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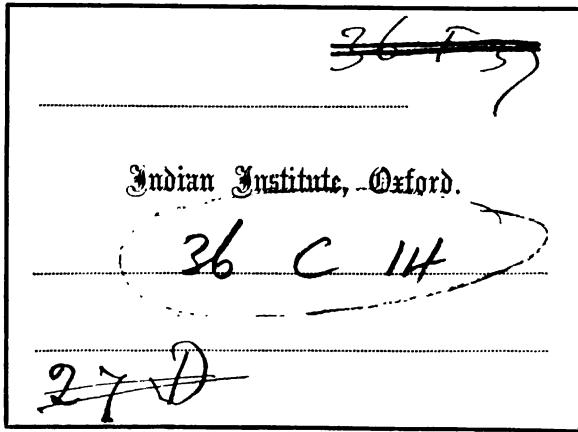
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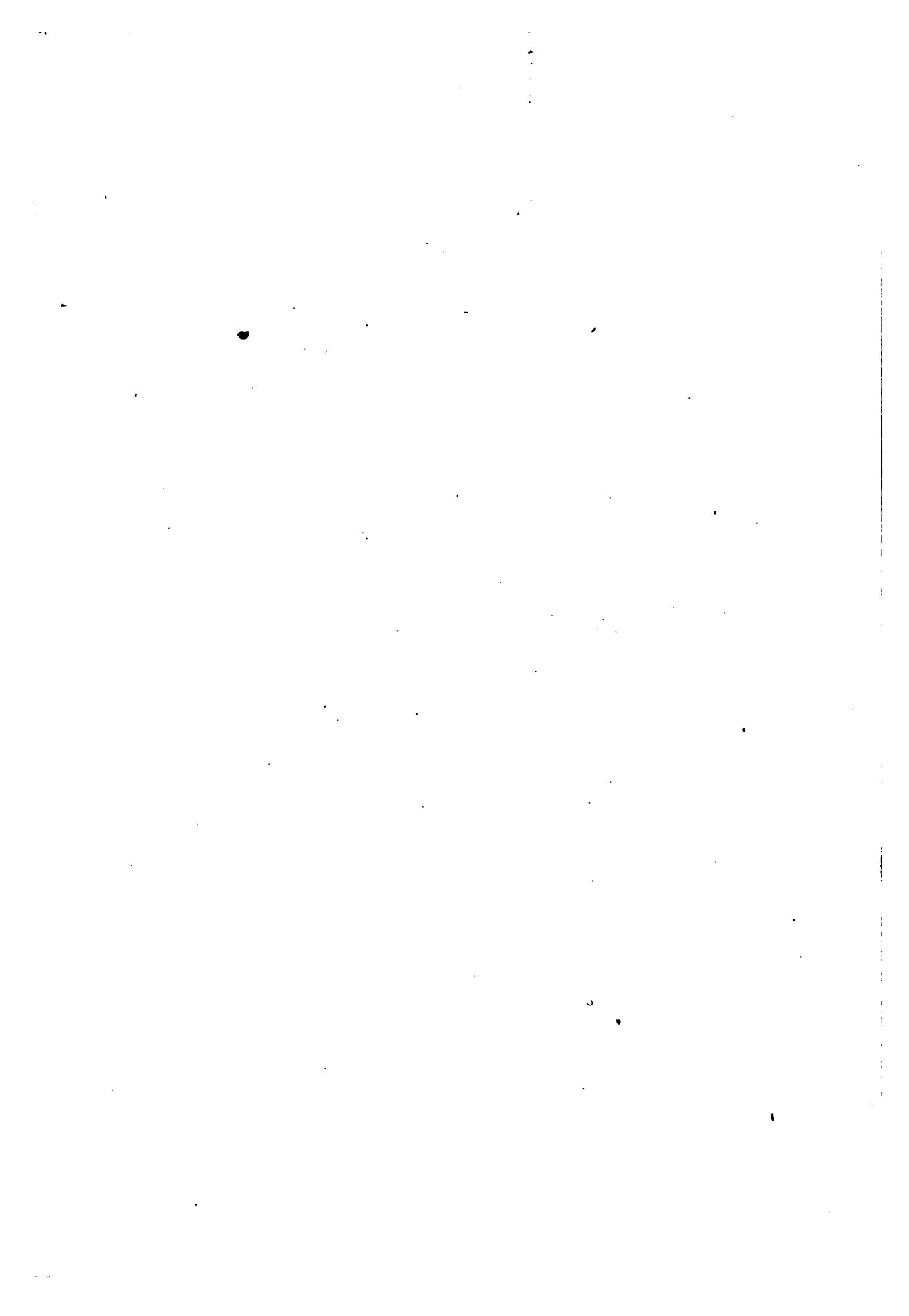
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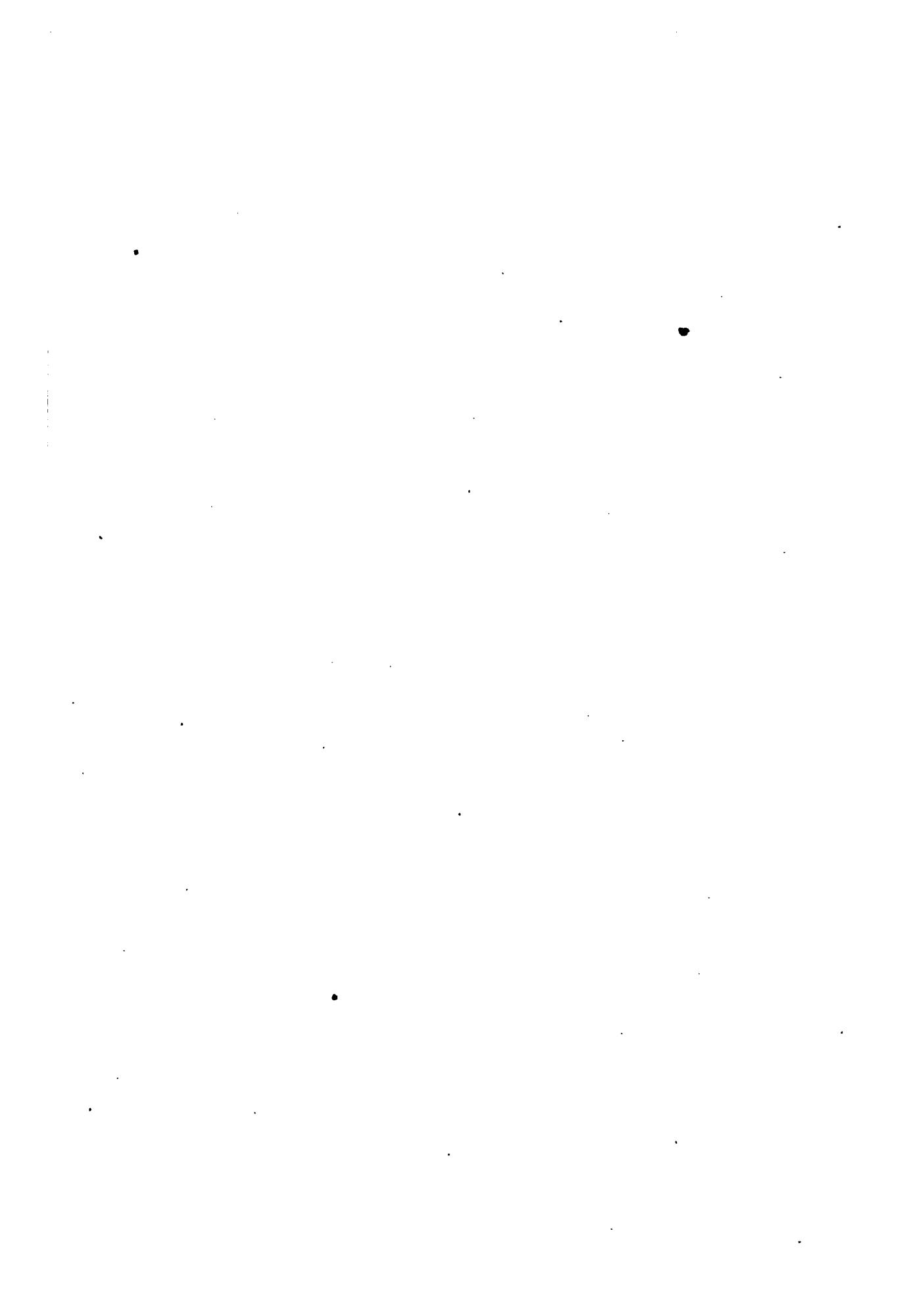
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Burma S. I. C.





THE
JARDINE PRIZE
AN ESSAY

On the sources and development of Burmese Law from the era of the first
introduction of the Indian Law to the time of the
British occupation of Pegu.

BY

DR. E. FORCHHAMMER, PH. D.,

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1885.



P R E F A C E.

THE Right Reverend P. Bigandet, Bishop of Ramatha, Vicar Apostolic of Ava and Pegu, has been pleased to favour the Board of the Educational Syndicate of British Burma with the following review of the Jardine Prize Essay :

I have perused carefully the Essay written by Dr. Forchhammer with the object of pointing out the sources and development of the Burmese civil law. The task the essayist has imposed upon himself is a most difficult one, because no direct information is to be found in Native writings on this subject. He has had to fetch a wider compass in order to come to something definite about the object he had in view, namely, the analogies between the Hindu law books and the Burmese ones, and as a necessary consequence showing that the Hindu law is the basis of the contents of the various Burmese dhammadhatas, modified of course by Buddhism and various local usages and customs.

The essayist has stated that several eminent Orientalists, such as Drs. Rost and Fuhrer, and Colonel H. Browne, had expressed in distinct terms their conviction that the Burmese dhammadhatas had their root in the Hindu dhammadhatas.

But, to establish this opinion on some solid basis, the essayist has not hesitated to plunge as deep as possible into the innermost recesses of the history of the Talaings and Burmese. It is in these researches that he has rendered the greatest service to the students of the antiquities of Burma. He has cleared the ground of an immense amount of rubbish, and, for the first time, has given us an insight into the true beginning of the two monarchies that have struggled for the mastery in those parts.

The most important fact brought prominently forward by the author is the establishment of a chain of posts or colonies by the Hindus along the eastern shores of the Bay of Bengal, from Arakan down to the Straits of Malacca. Here we find in what manner the

contact of the Hindus with the wild tribes that have, at a period comparatively recent, become the Burmese and Talaing kingdoms must have taken place, and the superior Hindu race have influenced the tribes living in their neighbourhood and communicated to them their national institutions, and gradually their own laws.

The author has afforded corroborative evidence of the effects of that influence by adducing the instance of the civil institutions of the Chins, whom the Burmans call their younger brothers, who were at the beginning of the 10th century on a footing of equality with their elder brothers the Burmans. We find the distinction of this people into castes, &c., &c.

The author, relying on philological grounds, proves that the Pali used in Ceylon and in these parts is more allied to the Pali used in the Eastern Deccan than to that of the Gangetic valley. This point would tend to corroborate the opinion that the Buddhism now prevailing in those parts has been imported by the Hindus from that part of India.

Following up the chain of his arguments, the essayist proves that the compendium of laws known under the name of the Wagaru dhammathat is not a mere collection of Burmese law based solely on Buddhistic ethics, but that it is saturated with the Hindu elements of law, as well as with rules depicting a state of civil, social, and political development. With an immense amount of learning and perseverance, Dr. Forchhammer has examined the various dhammathats that have been published in the 13th, 15th, and 18th centuries, compared them one with the other, and has arrived at the conclusion that, under Buddhistic forms, the Hindu element is clearly discernible.

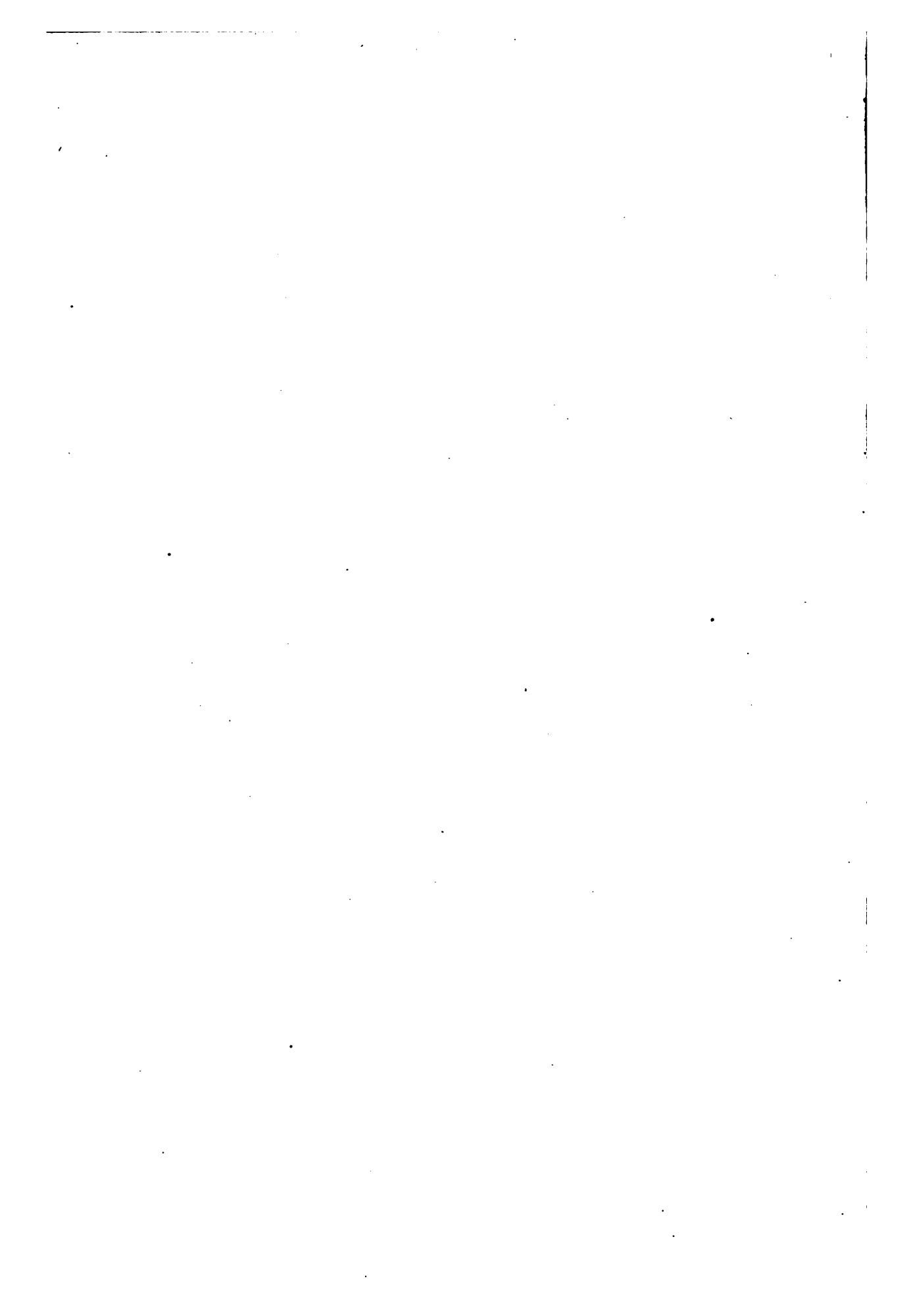
This is the first time that so much light has been thrown upon the various law compilations made by Talaings and Burmese during the last five centuries. This first attempt has been made, we must confess, by a masterly hand. The analogies between the Burmese and Hindu dhammathats have been established in as clear a manner as possible. No one can entertain any doubt concerning the fact that the Burmese law compilations, of comparatively

modern date, are based upon the more ancient records imported from Southern India.

The Orientalists must feel grateful to the author for the valuable information on many points of history and philology he has touched upon in investigating the sources of the Burmese law. But, whilst admiring the indefatigable efforts of the truly learned essayist, they will not forget to pay to our learned Judicial Commissioner, Mr. J. Jardine, an ample tribute of praise and thanks for having, Mæcenas like, by his munificent offer of a thousand rupees, encouraged men of talents to compete for the prize which has been so laboriously earned and won, and so richly deserved, by Dr. E. Forchhammer.

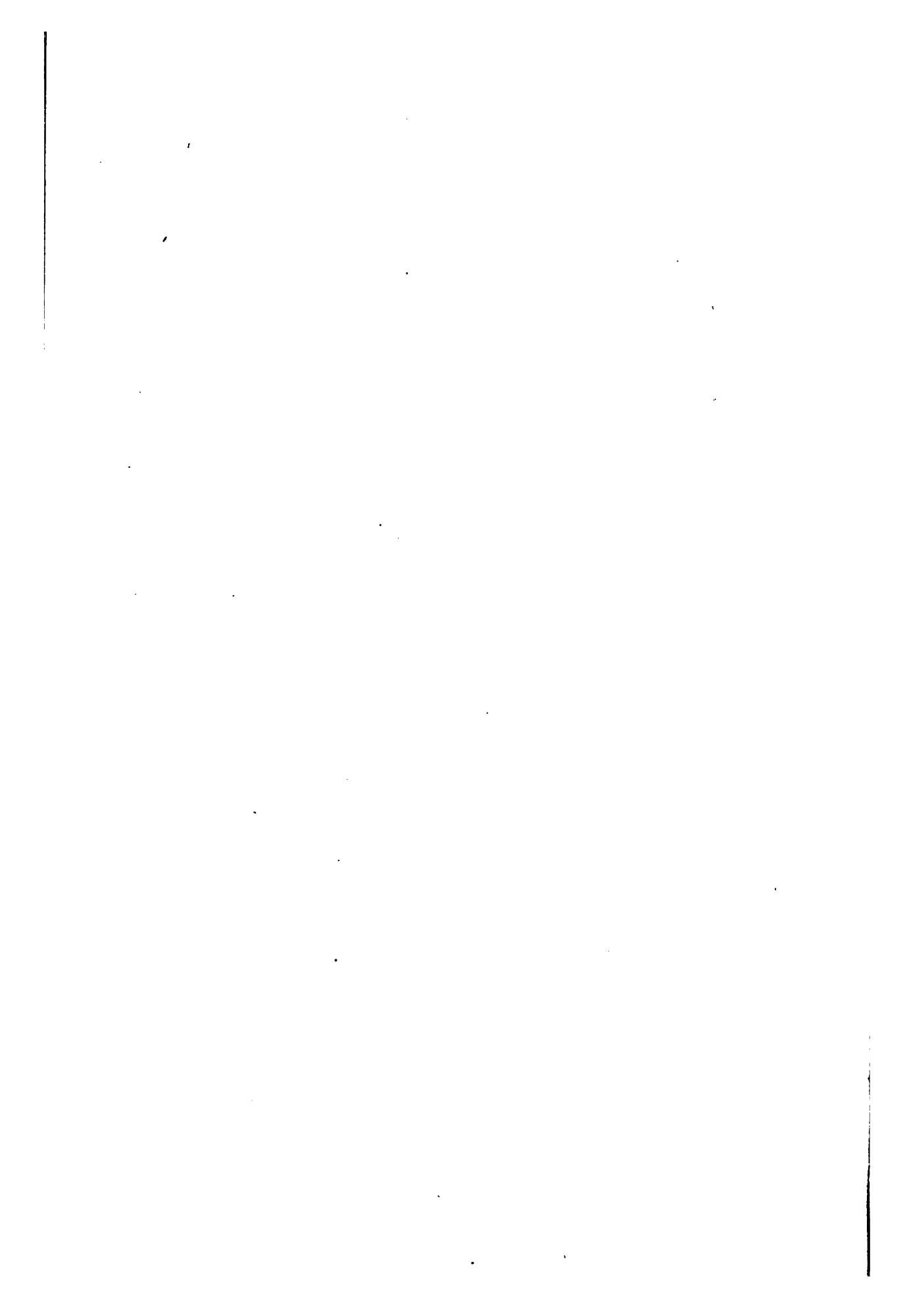
RANGOON :
The 16th April 1884. }

P. BIGANDET.



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THE JARDINE PRIZE.

AN ESSAY

On the sources and development of Burmese Law from the era of the first introduction of the Indian Law to the time of the British occupation of Pegu.

J. JARDINE, Esq., Bo.C.S., the Judicial Commissioner of British Burma and President of the Educational Syndicate, offers a reward of Rs. 1,000 for the best essay on the "Sources and development of Burmese law from the era of the first introduction of the Indian law to the time of the British occupation of Pegu." The essay must be written in English and received by the Registrar of the Educational Syndicate before the 1st of January 1884; subsequently the Judicial Commissioner extended the period within which the essay can be received to the 31st March 1884.

The title of the essay clearly defines the basis from which the writer is expected to proceed: he is to accept as granted and fully established that Indian law was at some period introduced in Burma, and that the existing Burmese law is in its basis Indian law modified through its application in a Buddhist community. That Burmese law is Indian law is an inference drawn from the discovery of analogies between the enactments and dicta of the modern Burmese law books and the Hindu law as contained in the dharmaśāstras of the various Hindu schools setting forth Hindu law and usage. If the term "Hindu law" is defined as representing collectively the sāstras of the six schools of Hindu law and recorded usages of Hindu communities, the term "Indian law" should in this essay be understood simply as law of Indian origin, leaving it for the present undecided whether it was introduced into Burma in ancient or modern times, whether it is of Brahmanic or Buddhist, Aryan or Dravidian origin. It must at the outset be understood that neither Talaing nor Burmese authors are aware of the Indian origin of the law-books of their country; nor give the historical annals of this peninsula any satisfactory clue as to the intercourse of India with Ultra-gangetic provinces.

Dr. R. Rost, the learned librarian of the India Office, is the first scholar who in the year 1852, in a contribution to the "Indische Studien," brought a Burmese law-book, the Manusāradhammasattham, to the notice of European scholars, and who pointed out striking analogies between the contents of the Manusāra with Hindu law.

Colonel Horace Browne, formerly Commissioner of Pegu, again called attention to the probable Indian origin of the Burmese dhammadhats. In his preface to the Manu Wonnana published in 1878, he remarks: "Such is the mythical account of the origin of "the dhammadhat or law of Manu. Although mainly of Indian "origin none of the works which bear this name correspond with the "Sanskrit Institutes of Manu. Concerning the time when and the "means by which the Pali writings, which formed the basis of the "existing works, were first introduced into the valley of the Irra- "waddy much remains to be discovered. As the Burmans re- "ceived their religious literature originally through the Talaings "from Ceylon about the fifth century A. D., it seems to be not "improbable that some of their secular literature may have "reached them from the same source. But enquiries which have "been made through the Ceylon branch of the Royal Asiatic "Society as to whether there are now extant in that island any Pali "works, corresponding to the Burman dhammadhat, have failed "to elicit any information on the subject. If any of the dham- "mathats really possess such claims to antiquity as is asserted "for them by Burman ministers, it is clear that they must have "been received through a Talaing medium; but the national vanity "of the Burmans of course prevents them from acknowledging their "indebtedness in this respect to the conquered race.

"The fact that the dhammadhats are more Brahmanical than "Buddhist favours the supposition that the originals were intro- "duced at this latter period (11th century) when Brahmanism had "regained its ascendancy over Buddhism in India."

In my report for the year 1879 on Burmese and Pali literature, I classed the dhammadhats, a list of which I affixed in the appendix, with works of Hindu origin, having by independent researches come to conclusions similar to those of Colonel Horace Browne. I there expressed the view that the Burmese law-books, though of Indian origin, developed to the form in which we now possess them in Buddhist Burma.

In the "Journal of the Bombay Branch of the Royal Asiatic Society for 1882" the Rev. Dr. A. Führer printed two articles on the Manusāradhammathat, in which he points out interesting analogies between certain portions of the Burmese Manusāra and the

Mānavadharmaśāstram ; he says for instance : " In order to " show that Manusāra (the Burmese dhammathat) used a more " ancient version of the Mānavadharmaśāstram than that we now " possess in our editions (Hinduic Sanscrit texts), or better that " he (the author of Manusāra) copied the Mānavadharmaśāstram " which is still missing, I quote only two remarkable instances " which, treating on the same subject, differ widely in the expres- " sions used, namely, firstly the chapter of competent and incom- " petent witnesses," &c. &c.

No further researches into this interesting subject can, I believe, be recorded until Mr. Jardine, the Judicial Commissioner of British Burma, made the question of the origin of Burmese law a matter of practical importance and gave substance to the theory of its Hindu origin by adducing in his " Notes on Buddhist Law " numerous and convincing analogies subsisting between these two sets of laws. The coincidences, which the learned Judicial Commissioner has pointed out, leave no doubt as to the connection of the Burmese Manus and the Dharmasāstras of India, and we can with full confidence accept the basis that Indian law was at some period introduced in Indo-Chinese countries from India.

To write an essay on the subject proposed by Mr. Jardine is at present an undertaking of no ordinary difficulty : we have to deal with the least known branch of an almost unknown literature ; with nations of whose ancient history, ethnic relations, linguistic affinities of their languages, pre-buddhistic social, religious, and political conditions we are but very scantily informed ; with extraneous influences, affecting every branch of private, social, and public life to which native records give no satisfactory clue, and foreign annals no satisfactory solution ; and, finally, the writer must go through his task without having had access to the Hindu law-literature in the Sanscrit originals, excepting extracts found scattered in the columns of the journals of learned Societies. It will be clear to all familiar with such investigations that the absence in this essay of textual comparisons constitutes a defect of serious importance.

In endeavouring to point out the sources and to trace the development of Burmese law from the era of the first introduction of Indian law, we have to consider the following points :—

I. The early history of the Talaings and the Burmans, their institutions, social and private, inasmuch as they affected the foreign law adopted, or were abolished or modified by the latter.

II. The probable history and nature of that Hindu civilization with which the Talaings and Burmans came in contact.

III. The origin, age, and nature of the Burmese and Talaing literatures examined with the aim of ascertaining the dates of compilation of the various dhammathats.

IV. The oldest law-books of Burma compared with Indian dharmasāstras and with later Burmese dhammathats.

V. The influence of Buddhism on the development of the native law literature chiefly at the close of the last and the beginning of this century.

I AND II.

We read in native records and in histories of Burma, compiled by Europeans, of ancient Burmese capitals and powerful native dynasties which are represented as having existed and ruled in the upper valley of the Irrawaddy prior to Anawrahta, who in the eleventh century subjugated the maritime provinces of Burma. The literary activity displayed in Pugan during nearly three centuries which followed the advent of Anawrahta is generally understood to have been a "revival of Burmese literature." But it appears that sight has been lost of the fact that "great capitals" and "national greatness," such as the Burmans claim to have possessed in ancient times, are impossible without the concomitant elements of civilization and culture. As those who claim indulgence and respect for Burmese law, customs and civilization by virtue of their antiquity, generally give a round number of 2,000 years as the age or prevalence of any particular Burmese custom, or "immemorial usages," or culture, it is all-important for our present inquiry to examine the grounds upon which is claimed an anteriority of twelve centuries for Burmese customs and laws to the first accredited fact in the history of this people. We shall in vain explore the reputed sites of ancient Burmese capitals for any architectural remains, antedating the rise of Anawrahta, which can be traced to Burmans; the conquests of Anawrahta inaugurated the career of the Mranmas or Burmans as a historical nation.

Nor did they, prior to this event, possess an alphabet, much less a literature; their most ancient inscriptions are not older than six centuries and display the art of writing in its infancy. On a former occasion I expressed the opinion that before the Burmans adopted the Talaing alphabet they had made use of the Nagari. I was led to this conclusion through the discovery in Prome of old Buddhist clay-tablets bearing Sanscrit legends; but recent studies on the ancient history of British Burma have elicited the fact that these tablets date from a period when Prome was still Sri-kshatra, then considered as the easternmost region of ancient India, with a Hindu population confessing Buddhism.

The Burmans borrowed their alphabet from the Talaings. The first step which they took towards literary attainments of any kind was to study the Buddhist scriptures, written with Talaing characters, and by gradually adopting the same letters to graphically fix the sounds of their own language with but few modifications, omissions, and additions to the original alphabet.

We must be mindful of these circumstances in order to be able to control the dates given in Burmese dhammathats with regard to the age of these works and to prevent ourselves from falling into the error of assuming the existence of any recension of the Manu written by Burmans prior to the thirteenth century A.D. What has been considered a revival of Burmese literature is indeed their first attempt towards acquiring an alphabet for their own language. The oldest Burmese inscriptions have an age of six centuries; there is not a single literary composition, not even a Burmese translation, of a sacred text, known to have been written by Burmans before the beginning or the middle of the fourteenth century. Buddhaghosa's translation of the Wagaru dhammathat is not only one of the first works written in Burmese but also one of the earliest attempts to utilize this idiom as a translatory language.

In the *Manusāradhammasattham* we read (page 4) :

*Idam sattham Manusāram, Mahāsamatarājito
Patthāya rājavamsena anvit' ekam Byūmamdhīye.
Tato Rāmaññadese ca Setānāgindabhūme vā
Rājamanicūlam thūmam, darakassa ca kālamhi.*

Here the Burmese (?) king Byūmamdhī, the third of the Pugan dynasty, who is said to have reigned at the end of the second and beginning of the third century of our era, is mentioned as the first who revised the *Manusāram*, handed down by Mahāsammata and his successors; the next recension, the text maintains, was made in Rāmaññadesa, the dominions of the Talaings, and another version in the time of the king Salwunmindaragyi (sixteenth century).

That a Burmese king of the third century of our era is credited with a revision of the *Manusāra*, or any other literary work, does not recommend itself for acceptance; it is historically impossible. We can, however, trace that recension of the *Manusāra*, which is said to have been made in Rāmaññadesa, to king Wagaru, and, as it is explicitly stated in this law-book itself, to the therā Buddhaghosa. The *Manusāradhammasattham* is nothing but a recension, prepared at the close of the last century, of the Wagaru dhammathat, which is now before the reader.

Later on I shall treat more fully of the contents of the Wagaru dhammathat. I wish here to call attention to such passages in

Burmese law-books, the *Manu Wannana* for instance, and the *Manusāra*, *Vinicchayapakasini*, *Mohavicchedani*, and others, which bear no relation to anything found in Hindu law-books. These additions to the latter are of particular importance, because they contain allusions to indigenous laws and customs which prevailed amongst the Burmans and kindred tribes and nations before they came within the radius of Hindu civilization and before they accepted Buddhism in preference to their own nat-worship.

In the *Manu Kyay* reference is made (pages 262, 263) to hereditary bearers of the (royal?) sword, lance, and umbrella; as a military body they are called *azu* or *zo*. In the *Manu Wannana*, sections 706, 707, and 708, allusions are also made to certain classes or *zus*, to their hereditary rights and offices, and to the manner in which division of property and payment of debts are effected. The Burmese text runs as follows:—

ရတုသင်းပေါင်းဖြစ်ကုန်သော အကြောင်သူတို့သည်လည်း။ ဥစ္စာကြေး
ငွေဖြင့်ထောက်မထဲကို။ သမက်ဘင်းခြင်းသသည်ကိုပြုကုန်၏။ထိရရှင်း
သင်းပေါင်းသည်သောလွန်သည်ရှိသော။ ရချင်းသင်းသားတို့သည်။ အ
ချင်းချင်းခံထပ်းမည်ဟူ၍ထိုက် လေ ကုန်၏။ ဖောကျားသည် လည်း။
ဖောကျားဘက်မှု။ မိန့်းမမှုသည်လည်း။ မိန့်းမဘက်မှု။ အသီးအထီး
ထွေ့ထိုသင်းရသားတို့သည် ခံထပ်းခြင်း သသည်ကိုပြုကုန်ရှု၏။ မိဘတို့
သည်လည်းသေလွန်ကုန်အံး။ သားသီးတို့သည်အကယ်၍ရှိရှိကုန်အံး။ သား
သည်လည်းအတာအတွက်အတာကို။ ဘိုးသည်ထည်းအမိအတွက်အ တာ
ကို။ ဦးသီးအသီးအသီးခံထပ်းခြင်းကိုပြုစေကုန်ရှု၏။ တဖောက်ထည်း
သာဖြစ်သောသားသည်အကယ်၍ဖြစ်အံး။ အဘ၏အတွက်အတာနှင့်အမိ
၏အသီးရဝက်ကို။ထိုသားသည်ဆပ်ပေးရှု၏။ထက်ဝက်ကျွန်းရကိုကား။
ရရှင်းသင်းတော်တို့သည်ပေးဆပ်လေကုန်ရှုသတည်း။

သားသီးတို့သည်မရှိကုန်အံး။ ကျော်နှစ်စာသောများသောဥစ္စာရှိကုန်
သောနှစ်ဦးသားတို့သည်။ အညီအမျှရလိုကုန်ကြအံး။ ဖောကျားကျေးဇူး
ကြောင့်။ ဥစ္စာများအံးဖောကျား၏ရုရှုသည်၍ဖြစ်ရရှိနိုင်းမကျေးဇူးကြောင့်
လျှင်ဥစ္စာများအံး။မိန့်းမရရသည်၍ဖြစ်ရလျှင်ထည်း။ ထင်နှင့်မယားသည်လုံး
လအားဖြင့်မဖြားတူကြအံး။အမျှရကြပေးတည်း။ ကောင်းမွေရသောရာသာအတိုင်းထို
သင်းချင်းရရှင်းသားတို့သည်။ တရားနှစ်ရသည်သာသော်ငါး။ ထက်
ဝက်။ထက်ဝက်စိသာသော်လည်းကောင်းပေးဆပ်ရချေကုန်သတည်း။

*Translation.—“The Zu-tu-thin-paung are in the habit of securing (lit. catching) sons-in-law (belonging to another clan or zu) by paying money or other property. Should the parents, who are members of the original clan, die, the married couple shall be heirs to the debts of their parents: the man to the debts of his parents, and the woman to the debts of her parents, each separately (because both the son and the daughter have lost their clan-rights by marrying a member of another clan); should the husband and the wife die and they leave children, the son shall bear the debts of his father and the daughter shall bear the debts of her mother. Should there be only one son, he must pay the whole of the debts of his father and half the debts of his mother: the remaining half shall be liquidated by the members of the clan to which his parents originally belonged. If there is no issue, and the husband and wife leave a large estate behind, consisting of money, slaves, &c., the original clans (to which the husband and wife respectively belonged) have a right to equal shares in the property; if the increase of property has been effected by the husband, the community to which he belonged shall be entitled to two shares (*i.e.*, double the wife's share); but if the increase in property is due to the wife, her clan shall be entitled to two shares (*i.e.*, double the husband's share). If both husband and wife have equally contributed towards the increase of their estate, their respective clans shall divide it equally between them. If the husband and wife have left debts, the clans to which they originally belonged shall liquidate the same in proportion as they have divided the property (assets) of their deceased clan-people amongst them.”*

The Burmese text of this section contains two expressions (၁၃၃
သင်္ဂါး; and ၁၃၄။သင်္ဂါး) which require some explanation. Section 705 of the Manu Wonnana alludes to the ၁၃၅။ (zukya), or the division of the population into classes or communities according to their occupation, a division similar in many respects to the castes in India. The public officers were selected from these classes and the grade of office they occupied led to a gradation of these divisions. The royal armour-bearers, for instance, were selected from a clan or community which had a hereditary right to fill this office ; they are known as the *daingzu* (၁၃၆။q) ; another clan supplied the royal rod-bearers or *thaingzu* (၁၃၇။q) ; another the labourers who cultivated the king's land, the *lamaingzu* (၁၃၈။q) ; others were in charge of religious buildings and the lands attached to them, the *payazu* (၁၃၉။q). The members constituting a *zu*, or, as they formerly were called, *azo*, married only within their own clan ; they enjoyed certain rights and privileges, which had accrued to them from their connection with a certain office, which it was their hereditary

right to fill ; they were co-heirs to the benefits which this office yielded ; and they were co-partners to the property acquired by one or more of their members while holding the post. The king or his ministers had a right to punish certain offences committed by an officer of a *zo* by degrading him to a lower clan, of which the individual thus degraded became a member ; such additions to a *zo* were called *zututhinpaung* (၁၃၁၁၃၈။၁၅၂။၁၆၃။). If a member of a clan married outside of his clan, he lost the privileges which the latter afforded and forfeited the claims to the membership of the community to which he originally belonged ; the woman also lost her clan-rights, and both were considered as outcastes ; as such they were designated *thinzu* (၁၃၁၁၃၈။၁၆၃။၁၇၁။).

The *zuyingthingpaung* (၁၃၁၁၃၈။၁၅၂။၁၆၃။) mentioned in section 708 means the original clans to which the parties to the marriage belonged before their marriage. The *zututhingpaung* (၁၃၁၁၃၈။၁၅၂။၁၆၃။) having lost the privileges of their clans had often recourse to buying husbands or wives for their children with money or with other portions of their property.

Now one is almost inclined to look for an explanation of the Burmese *zus* to the caste divisions existing in India and to consider it a borrowed institution from the Hindus. The Burmese text of section 708 is preceded by eight Pali gāthas ; but this is one of the many instances occurring in the dhammathats where the Burmese text is not a translation of the Pāli : the latter is entirely inadequate to give, in this instance, the meaning and distinctions of the former ; the Burmese version is here the original, which the learned priests who assisted Wannadhamma Kyawding (1772 A.D.) in the compilation of the code, turned, as best they could, into Pāli gāthas, which, however, entirely fail to give the true meaning. Modern Hindu castes are besides entirely unknown in Burma ; the dhammathats know only of the four original Hindu castes, which in the vernacular are designated by terms borrowed from Aryan India. To ascertain the source of these and other passages in native law-books, the inquiry into the origin and development of Burmese law resolves itself here to an investigation into the ethnic relations of the Burmans, their social, political, and religious conditions in which they originally stood.

Among the many tribes which inhabit Burma and the bordering regions, it is the Chins who most resemble the Burmans in language and physical features : a Chin dressed in the fashion of a Burman cannot be distinguished from the latter. The Burmans call the Arakanese their elder, the Chins their younger brother ; there are but slight dialectical differences in the language of the first two ; but the Chin idiom shows sufficient divergences

from the Burmese to be classed as a separate and distinct language, though the roots are in the main in both the same and their syntactical arrangement identical.

The Chins, found in British Burma to the number of 55,000 souls, have at different periods emigrated from the north of Upper Burma, chiefly from the headwaters of the Chindwin river. According to the provincial census taken in 1881 there are in the Thayetmyo district 16,416 Chins, in Kyaukpyu 11,617, in Prome 10,000. In Henzada there are 3,652 of this curious race. They are nearly all cultivators of the soil.

The law and usages prevailing among the Chins in British Burma have become considerably modified and altered through the influence of social and legal institutions of the Burmans amongst whom they dwell. There is now going through the Press a Chin dhammathat compiled by a Burmese Assistant Commissioner. The material has been collected from Chins in the Thayetmyo district. It explains many points in the Burmese dhammathats which are not of Hindu origin. The work is edited and prefaced by the Judicial Commissioner, to whose untiring effort it is chiefly due that this important addition to our knowledge of the social and religious customs and habits of Indo-Chinese aborigines has been made accessible to the public.

The original stock from which the Chins in British Burma have separated occupy in large numbers the mountain tracts extending from Assam to Yunnan. They are there subdivided into 36 clans, called *zō*, which bear the following names :—

(1) Zăpót zō.	(19) Zaungdshi zō.
(2) Muzón zō.	(20) Tán zō.
(3) Panzí zō.	(21) Pwoitschi zō.
(4) Leipin zō.	(22) Mendhet zō.
(5) Zingye zō.	(23) Yeinhon zō.
(6) Tălaung zō.	(24) Hniōzō zō.
(7) Hlathtaung zō.	(25) Hmáuzō zō.
(8) Leipyu zō.	(26) Khadhú zō.
(9) Kăzék zō.	(27) Taundschiop zō.
(10) Zinghei zō.	(28) Mă-ai zō.
(11) Alei zō.	(29) Mondhú zō.
(12) Gutzō zō.	(30) Kazák zō.
(13) Khălei zō.	(31) Hteinzō zō.
(14) Mongong zō.	(32) Hlehlán zō.
(15) Unzon zō.	(33) Plang zō.
(16) Kyezō zō.	(34) Htunpauk zō.
(17) Kăzein zō.	(35) Zeinlein zō.
(18) Klanzun zō.	(36) Pazān zō.

In British Burma several tribes are found, such as the Khadhus, Taungdshiop, Kăzaks (Sacs), Plangs, &c., who have been classed with the Karens, or whose ethnical connection has not been discovered ; they are however Chins who have broken loose from the main body but continued to apply to the now separate tribe their original clan appellation. In this province the representatives of various clans live promiscuously together ; but the clan privileges and rights which separated or united them in their original home still continue to exist to some extent among them, and every Chin man or woman will instantly give the name of his clan when addressed "maung baung zō moü" ("what zō do you belong to ?"). Each clan occupies a mountain tract, separated from the neighbouring clan-land by an intervening valley or river : the clans live in perpetual quarrels and warfare with each other. The bottom of the valley being considered debatable ground, and the utilization of this ground or of the river or stream upon which the lands of several clans may border being claimed by one to the exclusion or detriment of the other, there arise constant occasions for clan interferences by appeal to arms, or to those members of each clan who are entrusted with the protection of their respective clan-interests at home. Whatever the result of the contest may be, the worsted party retires to its mountain fastness, the possession of which is never coveted or disputed by the other clans. The home occupied by each clan is considered by intertribal law to be a sacred and inalienable possession. The zōs have temporary leaders in their mutual feuds or against a common enemy ; but they appear not to be subjected to the authority of a chief, either separately or collectively, who claims pre-eminence by virtue of either greater wealth or superior birth. A zō is subdivided into families, of which each occupies and cultivates a piece of land : the right to its temporary or constant possession seems to be based merely upon the right of its cultivation, for they abandon a field after a certain period, and, moving to another unoccupied patch of ground, leave their former field to any one of their own clan who may choose to avail himself of it. However, the Chins of British Burma, having two or three generations ago separated from their respective tribes, were unable to give me full information as to whether, in their original home, land was held in common by the clan, or was parcelled out and possessed, or merely occupied by families.

The names of the 86 clans imply professions which are hereditary in each of them : the Pazan zō furnishes their priests, whose occupation is to preside over the ceremonies performed at marriages and funerals. The knowledge of the formulas pro-

nounced at such occasions, the old sacred songs, embodying the mythological notions of the Chins, are exclusively possessed by this clan. Other zōs have their names from being, by occupation, goldsmiths, manufacturers of swords or knives, of spears or other utensils.

Most of the names, however, refer to the nature of military services which they rendered in early times to the Chinese and later on to the King of Burma. The clan-appellations imply "guardians of the palace," "sword-bearers," "lancers," "bowmen," "elephant-keepers," &c. With reference to inheritance, marriage, the protection of home clan-rights and external clan-distinctions, a Chin family consists of four parts,—the parents, the elder sons, the youngest son, and the daughters. The parents and daughters look after the fields, the father after the clan-interests at home in conjunction with the youngest son, who for the assistance he gives to the parents is the chief heir to the parents' property. The elder sons are the heirs and maintainers of the clan-privileges or clan-distinctions which have been bestowed upon the clan collectively by the sovereign for services rendered in war. Each zō gives in time of war a contribution of men to the king: these contingents are made up of the elder sons of each family; they collect in separate bodies, each clan for himself and are distinguishable by peculiar weapons, or the privileges they enjoy, or the position they occupy in the army they join. In the army of the Burmese sovereign they are placed under the leadership of a Burmese military officer, who performs, while they are in the camp, the functions of a chieftain, which however cease with their return to their mountain homes. The privileges and marks of favour bestowed by the king upon the several zōs for war-services rendered form the basis of precedence or superiority of one clan over the other; these clan-distinctions descend hereditarily in each zō, not from father to son in the first line, but from the elder sons to the elder sons, or from elder brothers to the elder brothers of the next generation in the successive families. A member of a clan, by abjuring his immediate kinsmen and forfeiting their rights and privileges, may become a member of another clan more distinguished than his own by paying a heavy compensation; or the king whom they serve has the power to transfer, by way of punishment, a member of a high clan to a zō of a lower grade.

According to Hindu law, as it is incorporated in the Burmese dhammathats, the eldest (aurasa) son is the chief heir to the parents' estate. But in several places the modern Burmese law-books give preferential rights to the youngest son, who "stays at home and attends to his parents and their estate." The expla-

nation for this exceptional ruling is to be sought in the law of inheritance as practised to this day by the Chins, the nearest kinsmen to the Burmans. Among the Chins of the Chindwin river and further north the birthright of the eldest son does not consist in the privileged enjoyment of a quiet homelife and the produce of his fields, but in becoming heir to the common clan-rights acquired in war and in maintaining them in the same manner as they have been won ; he is entitled to a comparatively small share in the inheritance of the family property, but the spoils won in a campaign belong to him individually.

All the members of a Chin family stand under the protection of, and in communication with, the manes of that departed male individual who stood in closest relationship with the oldest surviving male member of the family. A female when marrying must abjure the manes of her family; as soon as the uyukkan, or marriage ceremony, has been performed, she comes under the jurisdiction of her husband's family nat. At all ceremonies and festivals offerings are made to this family ghost. "Offerings" or "sacrifices" however are in this case a misnomer. The Chin provides for his comfort in the next world by transferring as much of his present property, through the agency of his manes, to the next world ; he will there enjoy as many pots of khaung, as much of hog and buffalo flesh, as he has made over to his nat in this existence for safekeeping in the next, in addition to what, after his death, his male representatives will vote to his memory. The Chin makes propitiatory offerings to other nats (not manes) of evil propensities, who possess persons and dwell in houses, forests, rivers, and trees ; they are the same as those mentioned in Manu Kyay, page 261, under the name of *hmauwen, ieng-ta-lien* or *gaung-pyan, zanga-nee, tha-tsang, kyay tsong* and *let-tauk-tsang* : these are real indigenous nats and must be carefully distinguished from the kinnaras, yakshas, nagas, rakkhasī and other ogres, fairies and dryads, so often alluded to in the Burmese law-books, but who have been introduced through Buddhism and the Tantra school of Northern India.

The stable sources from which a Chin can draw his contribution of property for the future enjoyment thereof are not furnished from the precarious occupation of the military members of the family but from what constitutes the family-estate. The youngest son, being born last, will probably die last, especially as he is not exposed to the dangers of war ; and it must be a male who pays the tribute to the manes of the departed.

Daughters and wives have the protection and goodwill of the family manes only through their fathers and husbands ; the property belongs only to the male members of the house ; she may

enjoy it with her father or husband, but if her husband dies, the property (excepting the dowry from her own parents) remains in the family into which she has married. If she were to leave the family with a portion of her husband's property, that property would benefit the manes of *her* parents, or of her second husband; or, if she remains single and does not live with her parents, of the *Ui-eya* or dog-nat, the common nat of the genus woman.

(According to Chin mythology, Hli, their highest deity, created first a male and female Chin, who stood in the relation of brother and sister to each other. Hli placed them on this earth; while wandering about the brother got separated from his sister and was lost: he is said then to have taken a bitch for his wife. The sister, after a long search, finally found her brother again thus affianced; she complained to Hli about her brother's disgrace and asked for the favour of becoming the wife of her brother instead of the dog. Hli ordered her to make rich offerings to the canine consort of her brother so that the bitch might give up conjugal rights in her favour: this was effected and the brother and sister married. I give this account for what it is worth; but it is a fact that the Chin women to this day make propitiatory offering to the dog-nat to prevent his interfering with their marrying men of their own clan and nearest kinsmen. In Chin communities these offerings to the dog-nat are effected by suspending young male dogs over the roof of the house till they are strangled and begin to decompose. At the autumnal Távatimsa festival, when the Shwe Dagón pagoda is visited from representatives of nearly all nations and tribes in Further India, I have on several occasions seen Chin women suspend young dogs, gaily adorned with streamers and garlands of coloured paper, over the platform wall in some little frequented corner; next day I found the dead animals lying in the moat below.)

A widow may remain in the family of her husband; but then she is a mere cypher, a hanger-on, without enjoying any proprietary rights in the family property; or she may go with only one suit of clothes where she likes. Her connection with her husband's family then ceases entirely. The children born to her by the husband remain with the family. The other alternative is to marry a brother of her former husband or his near male relation standing under the government of the same nat as that of her first husband and the eldest male member of the family.

The principle which here operates to prevent the parcelling out of the family property to any but the male members of the household and household nat is this, that property is only acquired and held in this world to secure as much as possible of its enjoyment in a future existence: such property is transmitted to the manes of the

departed male member by the oldest surviving male individual of the family. The keeping and disposal of the family estate remains in the male line and descends from the oldest representative of that line to the youngest, as the latter will most probably outlive the others and not being exposed to the perils of war can attend to the home-interest of all members of the family, and is by his position best qualified to provide for male descendants to the inheritance.

The hardworking Chin woman does most to increase the amount of family property ; in this respect she is considered a useful acquisition. But she stands in no direct relation to the manes of her husband ; through the latter only she can approach him. A suitor must give presents to the brother-protector of the girl : these presents cannot be considered, in this instance, as a "bribe ; " they are only a compensation for the loss of a hand in the household who helped to increase the family property. At the giving of a girl in marriage (which is done by the brothers and not by the parents of the girl), the compensation paid for the girl is proportionate to what her family will lose in the future acquisition of property through her departure and what the family of her husband will gain by her labour. The suitor must make over so much of his property to the brother as will, in the estimation of the latter, compensate for the loss to his family and be equal to the gain which accrues to the suitor's family through the acquisition of an additional hand. The gifts are made with the view not to diminish the transfer-capacity of property to the manes of the respective families.

We will touch in a few words upon the mythological notions of the Chins with relation to the few dimly preserved remembrances held to the present day by the Buddhistic Burmans regarding them. The Chin deities constitute an octoade, consisting of *Khwā*, *Khyen*, *Yin*, *Yan*, *Zun*, *Hli*, *O*, and *Zein*. *Khwā* is the oldest and first of their gods ; he created the world. *Yin* and *Yan* represent the principles of light and darkness, and their seat is the sun and the moon. *Zun*, who is represented by the long-tailed edolius, hatched out the eggs, from which sprang the various races of mankind. These deities were superseded by *Hli*, who is now the chief nat of the Chins ; he sowed seeds upon the earth productive of grass, cereals, and trees ; he sent *O* to instruct the Chins how to perform the ceremonies in honour of *Hli*. *O* gave them laws and taught them the useful arts of life ; he then disappeared. But *Hli* stands in no direct relation with the Chins ; his minister, or medium of intercourse, is *Maung Zein*, or simply *Zein*, who brings the spirits of the departed Chins to *Hli*, who, after listening to the account given by *Zein* of the deceased's life, banishes him to *holoi*, a place of torment, or

allows him (or rather his "ghost") to reside in *yunzun*, the pleasant abode of Hli. But this deity is really without any direct influence or communication with mortals. All intercourse is mediated by Zein; the future fate of each individual lies ultimately with him; and it is also through the agency of Maung Zein that the manes are sent by Hli either to *holoi* or *yunzun*. Buddhism, wherever exclusively adopted, has generally succeeded in converting the Native pantheon into an image-house, filled with statues of different Buddhas and their disciples. Has Buddhism left no trace of that original worship which the Burmans had in former times in common with the Chins? In an old image-house in old Pagan built in the 12th century A.D. by the Burmans, Gotama, the last Buddha, is surrounded by a group of disciples: Moggallána and Sāriputta to his right and left hand, and before him, in kneeling attitude, is the image of Maung Zein. The Burmans affirm that Zein was one of their chief nats before they had become Buddhists; he, listening to the discourse of Buddha, ended his career as a nat by his complete submission to the new doctrine. At the present day the Burmans have almost forgotten Zein, who to this hour is revered by the Chins as their mediator with Hli and is practically the most important of the Chin deities. It is an admirable act of religious policy on the part of the Burmans that, after adopting Buddhism, and probably impelled by a lingering fear of Maung Zein's power, they proceeded to stultify it by converting him into a devoted pupil and admirer of Gotama: this course of action brought the former arbitrator of their fate with themselves within the circle (comprising all sentient beings, men and nats included) of the causal connection of merit and demerit.

In the preceding pages we have pointed out a few passages from the Burmese dhammathat and have traced them to the customs and laws of a people who are in language and physical features closely allied to the Burmans, namely, the Chins, the younger brothers of the former. The Chins of today reflect the Burman as he was prior to Anawrahta (11th century A. D.) and in his pre-buddhistic phase. The real history of the Burmans, and their career as a literary people begin, as already stated, with their conquest of the maritime provinces of Burma. Though victorious in arms, they were intellectually conquered by the vanquished, who introduced them into a circle of culture and civilization to which the Burmans have been for many centuries previous neighbours but not partakers. The differences in customs and habits, law and religion, which at present subsist between the elder and the younger brother, the Burman and the Chin, are such as are naturally produced by the adoption of Buddhism and Hinduic culture by one and

the adherence of the other to the creed and manners of their ancestors.

Further instances of purely indigenous customs and usages, which are not however necessarily derived from the Chins, are the following :—

The Wagaru Dhammathat refers in section 12 to ဇူးသာက် (ဇူးကို) ; the Pali renders it inadequately by “ Piyamittako,” which may be translated as “ beloved friend ;” as the word *Zu* is used in the Burmese text I have rendered the passage thus : “if (the debtor dies and if the funeral ceremonies are performed) by friends or clans-people, only one-third (of the principal) should be repaid.” The Manu Kyay contains (see page 105) a similar ruling : သွေးသာက်ထူးပြတ်သော်၊ အရင်းဝက်ဝက်သား၊ သယ်ရှုံးသား၊ ပြတ်သော်၊ အရင်းကိုသုံးစုံခဲ့တော်သား၊ “but if his thway-thauk shall bury him, let him pay one-half of the principal of his debts. If a friend shall bury him, let him pay one-third of the principal sum.”

Clanship is one of the most prominent features in the social life of all Indo-Chinese nations and tribes ; the clans seem originally to have been held together entirely by the tie of blood, like so many other communities both in Asia and Europe. The number of clan-privileges, the rugged exclusiveness of clan-distinctions, may generally be said to be the outcome of intertribal feuds, or the reward of military services to a sovereign. The latter, we have seen, applies to the military clans of the Chins. Among the Karen and Kachins, and formerly also among the Burmans and Talaings, the ascendancy of individual clans was the result of a successful raid upon a neighbouring clan, which terminated in killing those members of the vanquished clan or tribe who, by reason of their age or infirmities, were incapacitated for war ; and by enslaving the able-bodied warriors, the women and children. As among the North-American Indians, the former had the option to work as slaves in the homes of their new masters, or to join the militant portion of the clan, in which case they were adopted as clansmen enjoying the same rights and privileges as the other military members of the tribe. But this adoption was preceded by the solemn ceremony of “ blood-drinking,” to which the texts above quoted refer. The applicant became affiliated to the man who captured him, or who was still without a blood-companion, by receiving in his mouth and drinking a squirt of blood issuing from an opened vein in the arm of his future “ brother ” or by mixing blood with their liquor and quaffing it off between them ; the two men became kinsmen, brothers and friends, inseparable in peace and war, by an artificial and fictitious creation of blood-relationship. In this manner each individual male member of a clan sought to surround

himself with as many such companions as he could obtain ; they formed subclans within the clan, the latter increasing in numerical strength and collective power in proportion as each member succeeded in affiliating fictitious blood-friends (*thway-thaukthu*), who were as near and dear to him as his real blood-relations. The old Talaings and Burmans clearly distinguished between persons really connected by blood and persons of fictitious consanguinity ; also from a legal point of view the latter was considered as having binding force. The *Manu Kyay* (page 105) rules : " If a rahan, respectable man, a Brahmin, a thukhi, " a land-measurer, the governor, the head of the district, or any " man in authority, or held in respect, shall, in conjunction with " the neighbours, perform the funeral rites of a debtor, the creditor " shall demand the amount of his debt of him, let him be half-free ; " but if the *thway-thauk* (a man of fictitious consanguinity) shall " bury him, let him pay *one-half* of the principal of his debts. If " a friend (in the common sense of *piyamittako*) shall bury him, let " him pay *one-third* of the principal sum. If his grandfather, grand- " mother, aunt by the father's side, aunt by the mother's uncle, or " brothers and sisters, shall bury him, let them pay the principal. " If it be the wife, husband, children, or grandchildren of the deceas- " ed, let them pay principal and interest."

The above passage shows the relative position which a *thway-thaukthu* occupies with regard to his responsibility for the debts of his deceased associate in the scale of blood relations or as compared with friends, neighbours, or strangers. But the privilege of joining a clan as a *thway-thaukthu* was not extended to prisoners of war only, but also to refugees and stragglers from other clans, and to strangers dwelling with the tribe. Loyal fellow-servants to the king, or a chief, bound themselves, by the ceremony of " blood-drinking," to lasting friendship, mutual support, and faithful service to their sovereign. Such confederacies are called in the Wagaru *thway-thauk-zus*, bodies or cliques of men within the clan, subservient to the general interests of the latter, but tied to closer and firmer union by the pledge of unwavering and self-sacrificing friendship, of mutual assistance and protection. Fictitious consanguinity is now a disestablished custom among the Burmans and Talaings, but is still in full force among the wilder tribes of the Karens on the frontier of and beyond British Burma ; but many allusions to it occur in both Burmese and Talaing literatures, and this strange institution appears to have once prevailed among all the indigenous tribes of Further India.

On page 12 we have already alluded to a class of witches or wizards for which, though they are purely indigenous, Buddhism

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has subsequently suggested exotic means of expulsion. The Manu Kyay (page 261) contains a highly interesting passage, setting forth "*the law regarding the seven kinds of witches, or wizards, and their trial by water.*" I give it here *in extenso* :—

" Oh excellent king ! as regards the seven kinds of witches, or wizards ; there is the witch who is so by reason of his constitution ; the two who are so by reason of medicine ; the four who are hereditarily so by reason of the nat of their parents taking up his abode in the person continually ; these are the seven. Of these seven the witch called hmau-wen, or kaway myauk, is the greatest ; next below him is the hnit-padat ; the next is ieng-ta-lien or gaung-pyan, the next zau-ga-ni, the next tha-tsang, the next kyay-tsang, and the next let-tauk-tsang.

" Of these kinds of wizards, the atha-tsang, kyay-tsang, and let-tsang are those who (at night) eat flowers and parched grain within the enclosure around their own houses, fire issuing from their mouths. Of these the kyay-tsang and the let-tsang become wizards by taking certain medicines ; the atha-tsang are so constitutionally ; they do not bewitch people. If they are thrown into water 7 cubits deep, they can sink so as to leave one, two, or three knots of the rope above water. These are not proper objects to be banished from the village or district, but the person who accused them is not to be held in fault : he had a right to accuse them. It shall not be said that they sank in the water or that they floated. The statement of both parties, accuser and accused, is true ; they are and they are not witches ; let them therefore bear the expenses equally.

Besides these the kaway cannot sink in the water, and the hnit-padat, though with great exertion, he can get under the water, he can only sink two knots (or cubits), five are left above water ; the ieng-ta-lien and zau-gani are the same. These four are wizards by reason of the nat who has been worshipped by the ancestors in succession taking up his abode in their bodies. They eat the food put out for them in the small flat bamboo frames used for winnowing grain and in little baskets ; they bewitch people so as to cause their death and then eat them ; they also dig up the human bodies from the grave and eat them. Of these (the last) three cannot bewitch a person across a running stream, and even in the same village or district they cannot bewitch a person seven houses distant. If these float, they must be banished the district. The kaway can bewitch a person even if a stream intervene, so this witch must be banished beyond several streams to free the village from his influence.

"In these seven matters these are truly the traditional rules from the beginning of the world for trying any man or woman who practices witchcraft. In accordance with them let the guardians of the law, the king, nobles, thugyis, and heads of villages, after having arranged all the preliminary steps in strict conformity with the ceremonial prescribed for the trial of the seven kinds of wizards by the ancient teachers, select a piece of still water where there is no current, and in which there are no stumps of trees, rocks, or inequalities, and throw them into it. All matters connected with witchcraft are only made clear by the ordeal of water. As regards the doctor's tami, yuaytan, and other things, they are uncertain and not to be depended upon, whether the witch has bewitched another and the fact is discovered, or the witch or wizard of himself confesses that they are so. The four witches abovementioned, even if people are afraid to associate with them, should be admonished by the three gems (Buddha, the Law, and the Priests) and warned to desist (from these evil practices), and they should be called on to declare in the presence of these gems that they will observe the (five) moral duties and will renounce their bad habits, and to swear by the three gems that they will in future practice good works.

"This is the way good kings and embryo Buddhas decide, and if the king passes sentence in like manner, the rains will be abundant, the rivers full, and the country flourishing and quiet. Thus the son of the King of Byahmahs, the recluse called Menu, said."

This passage from the Manu Kyay (compiled between the years 1760 and 1765) gives of all Dhammathats the most complete list of Native demons who take up their abode in human beings. The names of the seven kinds of witches, or wizards, are really the names of the seven evil nats recognized in the Native demonology. In the latter Burmese law-books they disappear and are superseded by Buddhist yakshas and nagas.

Further illustrations of Native superstitions occur in the Manu Kyay, page 103: "If one demanding a debt shall cut or scratch the steps or banisters of the house of the debtor with a sword, or break an egg, or kill an animal with two legs, or four, or without any legs at all let each offender pay a fine of 30 ticals of silver to the debtor."

In Manu Kyay, page 72, a creditor who denies having received payment of a debt is required to "make oath at the head of the stairs or steps. If (the debt) be 20 ticals, let him make oath at the bottom of the steps."

Manu Kyay, page 104, contains the ruling that no debt can be demanded "at the time when people are being killed to be buried

"at the corners of the city the king lives in," and "at the time
"when (the debtor) is very ill and offerings are being made to the
"nat of the house."

In Manu Kyay, page 143, a man who has had connection with the wife of his brother must "be made to stand at the outer door of the house clothed in a white dress, and let him make a suitable present to the husband and wife, a golden cup with a clean new cloth, and having seated himself at the foot of the steps on the ground and sprinkled himself with mud and ashes, after placing himself on his knees and holding up his joined hands, let his family and friends be witnesses to his asking forgiveness; and after this let him, having ascended the block the steps are fixed in, making obeisance beg pardon; after this, let him go up within the shade of the house and beg pardon"

Of the 19 games connected with betting on inanimate things (Manu Kyay, page 362), the *tagyit*, the *legwet*, the *twinkya*, the *kyet-paung*, and the *kong-nying*, are probably indigenous games.

The greater part of the "engines used by fishermen" enumerated in Manu Kyay, page 375, are Native contrivances for catching fish, prawns, &c.

265 It is perhaps also a Native superstition that "a buffalo always dies when a dove alights on him and the mark of a dove's foot is found on his heart and liver; and if a 'ling' snake passes under him he dies, and the mark of a snake's path is found on his heart and liver" (see Manu Kyay, page 328). A man who wantonly destroyed the house of another had, according to a former Burmese custom (see Manu Kyay, page 383), 'to suffer the severe punishment of seven turns in the hollow of a drum which has been set with spikes.'

The allusions made in Burmese and Talaing Dhammathats to indigenous customs and usages are comparatively few and now mostly obsolete. It has been urged that Native law-books are not an exposition of indigenous customary law. We now proceed to examine that body of usages and ceremonies practised amongst the Burmans of the present day and which have been upheld as deserving distinct legal recognition by virtue of that sacredness which surrounds all that has been handed down from father to son from time immemorial.

When a Burmese child is born, a punna (Brahman) or a Native astrologer ascertains the position of the constellation (nakshatra) which prevailed at the child's birth; from the aspect of the stars he draws the horoscope, foretelling the events of his life. The ceremonies observed when the child eats the first rice, when the head is shaved and the hair-knot is tied, at the piercing of the ears,

at reaching the age of puberty, when betrothed and when marriage is consummated, the punna or Burmese *huyazayā* is consulted or presides at the ceremony. A Burman has his lucky and unlucky days ; during the latter he will not start on a journey nor undertake any kind of important enterprise. When building a house, he will first ascertain a propitious site where to erect it, set the principal posts according to the instructions received from the punna, and reserve a particular corner of the house for the tutelary house nat. In all conditions and stages of life he observes usages and performs ceremonies which are striking enough in themselves, but are not, as is generally maintained, of indigenous growth ; tattooing and a few other oddities excepted, they are all of Hindu origin. The punnas (Skr. *pūṇya*, Pali *pūñña*) are Brahmins, who at various periods settled in Burma, generally living in separate quarters in or near the capitals of Burmese kings. The royal astrologers and gurus were always punnas ; from the capital they spread all over the country in the capacity of teachers, astrologers, and physicians. The Sanskrit and Bengali works found with them belong to the *Tantrasāstras*, *Jyotisāstras*, and *Kāmasāstras* of Gangetic India ; they study chiefly the *Samaveda*. All the ceremonies and usages above referred to have been introduced by these Brahmins, and the only sources of information for Native doctors, astrologers, necromancers, &c., are Burmese translations, made chiefly at the close of the last century by learned priests at Amarapura, of the *Dravyaguna*, *Dhanvantari*, *Lakshanasāra*, *Ash-tamuksha*, *Adikalpa*, *Dhātucinta*, *Dhātucheda*, *Suçruta*, *Nārasukhi*, *Samudrikalakshana*, *Makarandavivarana*, *Brihajjātaka*, *Laghugrahāmanjari*, *Sārakathana*, *Sūryasiddhānta* (which by the Burmans is regarded as the chief authority), *Grahacinta*, *Sārakaumudi*, *Strīsāstra* (ascribed to a Kālidāsa), *Kāmaratna*, and other similar works. Nearly all technical terms in the Burmese idiom, referring to astronomy, astrology, palmistry, medicinal substances, and therapeutics, are words of Sanskrit and not of Pali origin. Not a single original Burmese work treating of the above subjects has as yet been found.

These usages and ceremonies, closely connected with the Tantraic school of Northern India and adopted by the Burmans at a comparatively modern date, chiefly during the reign of Alom-pra and his successors, could not, though they constitute nearly the whole body of Burmese home practices, find a prominent place in Native law-books, chiefly for this reason, that the ministers and priests who prepared the modern recensions of the Dhammathats, strenuously endeavoured to bring the whole mass of written and unwritten laws and customs under the influence of Buddhist

ethics and to eliminate all that stood in contradiction to them. We know from the Tevigga Sutta that Gotama strongly interdicted all practices connected with occult sciences.

We leave now the Burmans at the eve of Anawrahta's advent and turn to the Muns or Talaings, the teachers and instructors of the Burmans.

"It is from them," says the Rev. Bishop Bigandet (*Leg. of Gotama*, Vol. II, page 143) "that the latter have received their "religion, the scriptures, and the characters used in writing."

The Muns have no doubt for the last two thousand years occupied the western coast of the Indo-Chinese peninsula. Their literature is old and their inscriptions range over a period of 14 centuries. But it must have struck all those who have inquired into their early history that the latter is very fragmentary indeed, with lacunæ of several centuries during which absolutely nothing is reported by their own or the later Burmese historians. We meet, where events are recorded, with kingdoms which could command hardly over more territory than now is comprised within a township. Seven kings, whose dominions were all pressed in between the mouths of the Salween and Sittaung rivers, engaged in an unsuccessful war with Golanagara, a Hindu settlement built on their shore. The first Talaing kingdom, which deserved that name, was that founded by King Wagaru (close of 13th century), the King of Martaban. I am inclined to believe that Anawrahta's arms were not so much directed against the Talaings as against a chain of foreign colonies which held in possession the whole coast from Chittagong to the Straits. "He drove," as the Burmans say, "the Kalas into the sea."

About the history of these foreign Hindu colonies, of the existence of which we read in the records of India and the Western world, neither Burmese nor Talaing annals give us any satisfactory account. Yet it is certain that a powerful kingdom was founded at Prome, the Sriksatra, or "Glory of the Kshatrias." The Chinese pilgrim Hiuen Tsang, who visited India at the beginning of the 7th century, mentions it. Another colony was further south, comprising the region north and east of the present Rangoon. It was known as Utkalādesā, and probably founded by the Utkalas of Orissa. I have in another place (*Notes on the early History and Geography of British Burma*) pointed out that the Rājyātanakathā of the Mahāvagga points, in the understanding of Buddhaghosa's commentaries to the Vinayapitakam and the Auguttaranikāyo, to the Utkalā of Further India and not to Orissa. Hamsavati, the present Pegu, was also settled from India and is mentioned in Buddhadatta's commentary to the Buddhadavamsa.

The Kalyāni Inscriptions clearly define the site of Gola-(Gauda) nagara, the present Takkala of the Talaings, and the Kulataik of the Burmans; it was a settlement of the Gangetic Gaudas and is mentioned in connection with the first Buddhist mission to Suvannabhūmi. Further south was Saddharmanagara, the present Thatôn. (For fuller details on these points see my "Notes" No. 2 : The first Buddhist Mission to Suvannabhūmi).

The early history of the Hindu dhammasatthas is most probably connected with these foreign colonies in Burma. The archæological remains found about these ancient sites are scanty and stone sculptures rare; abundant traces of brick-walls exist and here and there a few ancient wells and tanks. Thatôn appears to have been settled by Dravidians; the letters of the most ancient Talaing inscriptions are almost identical with the Vengi characters of the 4th and 5th centuries A.D. and the eastern Calukya letters. From these alphabets the Talaing letters appear to be derived; the ancient Cambodians have their writing from the same source; but the Khmer inscriptions of the ninth and tenth centuries exhibit indications of a subsequent influence of the Nagari characters of North Indian type, which is wanted in the Talaing alphabet. Ancient sculptures of South-Indian origin still exist in and about Thatôn. One represents Vishnu in his ninth avatāra as Buddha, "The enlightened one." This incarnation of Vishnu the Brahmins adopted to effect a compromise between their own creed and Buddhism. Another stone relief depicts Vishnu in his post-vedic association with Brahma, the creator, and Shiva, the destroyer, constituting the well-known Tri-murti or Triād. And again Vishnu appears in Talaing astronomical works as the first of the Aditias, or sons of Aditi, representing the sun in the twelve months of the year. The Talaing idiom and the related Palaung are, I believe, the only languages in Further India in which the names for Sunday and Monday are Sanskrit derivatives, namely, "adit" (Skr. aditiya) and "cah" (Skr. candra). In Burmese and related languages the appellations for these two terms are native and the names for the other five days of the week are corrupted from the Pāli. The Talaing designations for some of the lunar months are also derived from Sanskrit and not from Pāli.

Puh, January; Skr. pushya, Pāli pusso; mrikaso, December, skr. mrigasiras, pali magasiro. There are besides a considerable number of words of Sanskrit origin in the Mun idiom which points to a long-continued intercourse of the Talaings with India or Indian settlers on their shores who used Sanskrit as the medium of at least scientific lore; such words are *drahāt*, physical strength, from the sanskrit root *drih*, *darhati*, *drahyat*; *upadrao*, calamity, skr. *upa-*

drava (pāli *upaddava*) ; *jrahat*, to give power, from the skr. *jri*, *jrayati* ; *sri*, glory, skr. *sri*, pāli *siri* ; *tri*, three ; skr. *tri* ; pāli *ti* ; *drap* quality, property ; skr. *dravya* ; *prakoh*, a chapter, book ; skr. *prakāsa*, pāli *pakāsa* ; *groph*, star ; skr. *graha* ; *sangroh*, compendium, skr. *sangraha* ; &c.

Saddhamma (Thatōn) appears to have been the colony which exercised the most lasting influence upon the surrounding pisācas or Native tribes ; through this colony we can best trace the influx of Indian learning and culture ; it gave the nations of Further India an alphabet and led to the erection of religious buildings, which are a reflex of the manyterraced structures of the South Indian, or more specifically Dravidian, type.

Talaing records contain information about Southern India, which, I believe, are not found in the annals of other nations of India and Indo-China ; it bespeaks an intercourse with the eastern coast of Dekkan during the supremacy of Buddhism in those regions. The city of Kāñcipura (Conjeveram) is often mentioned. Dhammapāla, next to Buddhaghosa the greatest divine of the Southern Buddhist church, was, according to the Sinhalese, a priest of their own island, who lived in Lanka and also wrote his commentaries and scholia there. But the Talaing parampāras, or histories of the succession of priests, distinctly state that Dhammapāla lived in a monastery built by order of Asoka at Bhadra (tittha), near Kāñcipura. He must have lived after Buddhaghosa (5th century), for he wrote the Visuddhimaggatikā, a scholium on Buddhaghosa's great encyclopœdia of Buddhist doctrine. Hiuen Tsang mentions a Dhammapāla, a native of Kāñcipura, who "était le fils ainé d'un grand ministre de ce royaume (Dravida)....Dès le moment que Dharmapāla ent pris l'habit de religieux, il s'appliqua à l'étude avec une ardeur infatigable. Nous avous fait connaitre, dans le récit qui precede, sa brilliant reputation et son noble caractère. Le ville de Kientchipoulo (Kāñcipoura) était la ville natale de Tamopolop'ousa (Dharmapāla Bodhisatvo). The Talaings ascribe to Dhammapāla the following works :—

1. *Itivuttakatthakathā*.
2. *Vimānavatthu atthakathā*.
3. *Petavatthu atthakathā*.
4. *Theragāthā atthakathā*.
5. *Therigāthā atthakathā*.
6. *Apadānatthakathā*.
7. *Cariyāpitakatthakathā*.
8. *Saccha Sankhepa*.
9. *Suttasilakkha-Suttamahāva-Suttapadeyavaṭikā*, a scholium to the Dighanikāyo.

10. Mulapaññasa-Majjhimapaññasa-Uparipaññasatikā, a scholium to the Majjhimanikāyo.

11. Sagathavagga samyutta-Nidāna samyutta-Khandhavagga-samyutta a scholium to the 3rd, 4th and 5th divisions of the Samyutta-nikāyo.

12. Jātakatikā.

13. Visuddhimaggatikā.

14. Netti atthakathā.

The list of rahans of Southern India is given in Talaing records in chronological order; the next in order is Kaccāyana. This grammarian is not quoted by either Buddhaghosa (who does not use his grammatical terminology) nor by Dhammapāla, as far as I have been able to ascertain. It can hardly be doubted that the author of the reputed first Pāli grammar knew the Kātantra, or drew from the same sources utilized by the author of the Kalāpa. Dr. Burnell, in his "Aindra School of Grammarians" claims for the Kātantra the highest antiquity, antedating Pāṇini considerably; it was, in his opinion, the first and earliest Sanskrit grammar. It is worthy of note that Talaing writers state implicitly that the Kalāpa was written or composed by Indra himself (hence the Aindra school); they place the three vedas first, then the Itihāsas, and next the Kātantra. Of Pāṇini or any other author of Northern India, Talaing records know nothing. The latter give us further information for which we seek in vain elsewhere in works written in Southern India: Kaccāyana, who must have lived in about the 7th century A.D., is followed by *Buddhaphira*, author of the Sattasangaha; then by *Nānagambhira*, who wrote the Tathāgatuppatti, a biography of Buddha. Next in order comes *Anuruddha Acāriya*, the author of the celebrated Abhidhammatthasangaha; he also wrote the Paramatthavinicchaya and the Nāmarūpapariccheda. The last author mentioned is Saddhammapāla, who composed the Nittivipāvam. These authors Talaing religious histories mention as having lived in Dakkhinadesā, or Southern India, prior to the 10th century A.D. We know from other sources that about this time the Colas, so inimical to Buddhism, conquered the Dekkan and gained the country for Brahmanism. The Talaings also speak of a place of pilgrimage in "Jinapattana" remarkable for an immense statue of Gotama.

From the 6th to the 11th centuries the political history of the Talaings is a blank. During this period the ancient kingdom of Khmer or Cambodja attained to its fullest power; it extended from the Gulf of Martaban to Tonquin. The kings who ruled over Khmer from the year 548 A.D. to the 11th century favoured

Brahmanism to the almost total exclusion and suppression of Buddhism. The splendid ruins of Khmer date from this period ; the temples are dedicated to Shiva and Vishnu ; the inscriptions are written in Sanscrit. Cambodja is the "great kingdom of Zabej" of Arabian geographers, which, in the eighth and ninth centuries extended also over the groups of islands south and west of Malacca, including Borneo, Java, and Sumatra; *Kala*, (Golanagara) north of Thatôn, was then an important sea harbour, and according to Abu-zaid and Kazwini an Indian town, subject at that time (9th century) to the King of Cambodja. The country of the Talaings was then no doubt also a dependency of the same kingdom, and the silence of their records during that period is fully explained thereby; they mention, however, the struggle for ascendency between Brahmanism and Buddhism; the latter prevailed, chiefly because the maritime provinces of Burma became a place of refuge to a great number of Buddhist fugitives from India.

The prevalence of Neo-brahmanism has impressed indelible marks upon the architecture, literature, and alphabet of the Cambodjans; but little of a renewed influence from India is perceptible in the writings and architectural style of the Talaings. The latter record, prior to the twelfth century, nothing of Cambodja, save the name of the country and that of its capital, though they were subjects to its rulers. The same is the case with Manipura, a brahmanic state to the north-west of Burma, of whose glory the *Mahābhārata* sings. The brahmanic colonies, which are now found in Burma, especially near Mandalay, have come from the Ganges through Manipura; they have exercised a considerable influence on Burmese thought, writings, customs, and habits, but only within the last two or three centuries. But we find not even an allusion to ancient Manipura in Talaing palm-leaf histories or in inscriptions.

In the preceding pages I have at some length pointed out what the probable culto-historical conditions of the Burmans and Talaings were prior to the rise of Anawrahta (10th century A.D.); what influences surrounded them immediately or were brought to bear upon them from centres of buddhistic or brahmanical culture. With reference to our inquiry into the origin and sources of Indian law in Burma, we may summarize what has been said as follows :—

I. We cannot accept as probable that any recension of the *Manudhammasattham* was prepared by, or existed amongst, the Burmans prior to the 11th century, because they possessed no literary culture of any kind before the conquest of the maritime provinces brought them in contact with Hindu civilization, and because we can trace, as will be shown in a subsequent section, their

earliest acquaintance with the law of Manu to their intercourse with a body of learned Talaing priests at Pagan under the successors of Anawrahta.

II. The prehistoric conditions, social and religious, of the Burmans appears to have been similar to that which at present prevails amongst their nearest kinsmen, the Chins. The customs, ceremonies and usages now prevalent amongst the former are with few exceptions of Hindu origin, and were adopted at a comparatively late period.

III. The earliest form of the Talaing alphabet is identical with the Vengi characters of the 4th century A. D. ; the Talaing letters, and the architectural style of their religious buildings, are of South Indian origin ; their older records evince an intimate acquaintance with the Buddhist literature of the Eastern Dekkan up to the 10th century, and, excepting their own, with that literature only. The intercourse with Ceylon is of later date. This point is of great importance, as Dr. Oldenberg and other Pāli scholars have proved that the Pāli of the Buddhist scriptures is more closely allied to the Aryan dialects as they appear on the inscriptions in Dekkan than to the idiom of the edicts in Northern India, and that the Cinghalese have most probably derived the great bulk of the Buddhist Pāli literature not from the valley of the Ganges but from Southern India. The statements of the Talaings point to the same conclusion, and we can assume with some show of reason that the Dekkan is also the home of that version of the Manu which was brought to Rāmaññadesa and there adopted by the Muns, either directly or in consequence of their contact with the Hindu colonists on their shores, who appear to have held them in political dependency. The relation subsisting between the powerful foreign colonies, who then ruled the whole coast from Bengal to the Straits and the Talaings and Burmans find an analogous case in the political position which the British Government occupies now towards the Talaings and Burmans of this province ; the Muns were then harassed from the north by the Burmans, as the latter are now pressed upon and annoyed by the ever-encroaching Kachins.

In the face of the almost endless Burmese dynasties paraded in Native records, it would seem bold to assert, that the more remote dynasties have never reigned over Burmans and that the greater portion of their ancient history are recent historical after-thoughts. The following illustration will explain, how nations of this Peninsula join the Past and Present to a connected history. The Chins, though in constant contact with the Burmans for many centuries past, are still for the greatest part independant and uncivilized ; yet they record all important events in their own history by the reign of Burmese kings, thus unconsciously interweaving

their historical life with that of their more advanced neighbours. The Chins are not Buddhists, yet they participate in Buddhist festivals, in the erection of monasteries and the support of priests when living near or among Burmans; they also prefer to secure for the future the blessings of the Tāvatimsa heaven, which a visit to the Shwe Dagon pagoda insures, to the "lesser heaven," which their own Nat worship places in store for them. Their present recollection of Burmese kings, and hence also of the recorded events of their history, does not go further back than Alompra (1750 A.D.), their many ancient but dateless traditions notwithstanding. Suppose the Chins or Kachins were to take Mandalay, a dynasty of their own would supplant the Burmese royal house; but their leader will not fail to connect himself in some way or other with the Solar Race, and a future historian would find Alompra figuring in the list of Chin rulers, and through him Anrawrahta, Dvattaboung and Siridhammāsoka will become historical personages in the early history of the Chins.

III AND IV.

Burmese literature is almost a *terra incognita*. Every literature reflects the political, religious, and social conditions of the people who produced it, and in proportion as it was influenced by these conditions. The Burmese law-books give us, more than any other branch of native literature, an insight into the political and social development of the Burmese nation from the period in which it began to be influenced by Hindu civilization. We know that the Italian vernacular was raised to the dignity of a literary language through the efforts of Petrarcha and Dante; to trace Burmese compositions to King Dwattabaung (about 2,000 years ago) and Vymandha (16 centuries ago) is as uncritical as if we were, in absence of dates, to ascribe the *Promessi Sposi* of Manroni to the Augustinean age, that is, to a period antedating the development of an Italian dialect into a literary idiom by a thousand years. Yet we hear on all hands of ancient Burmese classics and of "teachers of old," who are said to have composed Dhammadhats. This is the more surprising as a critical study of the Burmese literature evolves the fact that the Burmese idiom reached the stage of a translatory language at the close of the 15th century and that of an independent literary tongue not much more than a century ago.

It is not therefore foreign to our inquiry to examine the literary capacity, the religious and political history of the Burmans and Talaings, in connection with the origin and development of Hindu-Burmese law. We shall consider the Burmese-Talaing

Dhammadhatas in chronological order and in the position they occupy in the main body of the literature of Burma.

The history of literature in Burma may conveniently be divided into three periods, each beginning with the reign of that monarch to whose power, liberality, and fostering care the cultivation of letters was chiefly due. The *first period* commences with Anawrahta (11th century), the *second* with Dhammadeti (15th century), and the *third* with Alompra (middle of the 18th century).

Dhammavilāsa was a Talaing; the Kalyāni inscriptions of Pegu refer at some length to him, to his contemporaries, and the religious sect to which he belonged. As the passage gives us a clear idea of the establishment of Buddhism in Pagan and the religious life at the capital I quote it in full : " Tadā Sammāsambud-
" dhaparinibbānato chasatādhikavassasahassam hotiti, datthabbam ;
" ekuttarachasatādhikavassasahasse pana kāle ruddharūpabedasak-
" karāje, Arimaddanapurissaren-Ānuruddhadevena raññā sapitak-
" kattayam bhikkhusangham ānetvā Pugāmasankhate Arimaddana-
" pure sāsanam patiitthapitam. Tato sattuttarasatavassakāle rasa-
" yamapānasakkarāje Lankādipasmim Sirisanghabodhiparakkama-
" bāhurājā sāsanam visodhesi ; tato pana chatthe vasse yamasikhi-
" pānasakkarāje, Lankādipe cetiyābhivandanattāya Pugāmabhū-
" pācariyabhuto Uttarajīvamahāthero sambahülehi bhikkhūhi sad-
" dhim nāvam abhirūhissāmīti yena Kusimanagaram tena pakkāmi ;
" ko pan' esa Uttarajīvamahāthero ti : ayam hi therō Rāmaññade-
" siya putto Ariyavamsatherassa sissō ; Ariyavamsathero pana Kap-
" phunganagaravāsi Mahākālatherassa sissō. So pana Saddham-
" managaravāsino Prānadassimahātherassa sissō ; so tu lokiyajhā-
" nābhiññalābhi tappaccayā pāto va Magadharatthe Uruvelāyama-
" hābodhiyangānam samajjītvā puna paccāgantvā Sudhammapuriya
" pindāya carati tassa ca patidinam pāto va mahābodhiyangānam
" samajanakāle Sudhammapurato Magadharatthagāmino Uruvela-

" vāsivānijjakā manussā disvā paccāgantvā Sudhammapuriyānam
 " manussānam ārocenti. Tasmā Prānadassimahāthero lokiya jjhā-
 " nābhīññāsamāpattilabhi sañjānimsu. Uttarajīvamahāthero Ku-
 " simanagaram patvā sambahūlehi bhikkhūhi paripunnavisativassa-
 " nena sāmanerena saddhim nāvam abhirūhi. Ko pan' esa sāma-
 " nero ? Kasmā nam Chapatasāmanero ti vohāriyatīti ? So hi Kusi-
 " maratthavāsinam putto Uttarajīvamahātherassa sisso Kusimaratthe
 " Chapato ti laddhanāma gāmavāsinam puttattā Chapato sāmanero
 " ti vohāriyati. Uttarajīvamahāthero pi nāvam abhirūhitvā Lan-
 " kādipam gato. Tato Lankādipavāsino mahātherā tena saddhim
 " dhammiyā kathāya samsanditvā samanubhāsitvā sampiyāmāna
 " mayam Lankādipe sāsanapatiitthāpakassa Mahāmahindatherassa
 " pāvenibhūtā tumhe pana Śuvannabhūmiratthe sāsanapatiitthāpa-
 " kānam Sonuttarābhidhanānam dvinnam mahātherānam pāvenibhūtā
 " tasmā sabbe mayam ekato sanghakammam karissāmā 'ti vatvā
 " paripunnavisativassam Chapatasāmaneram upasampādenti. Tato
 " param Uttarajīvamahāthero Lankādipe yamkiñci cētiyavandanādi-
 " kiccam nitthapetabbam tam sabbam nitthāpetvā Pugāmanagaram
 " paccāgantum ārabbi. Atha Chapatabhikkuss' etad ahosi : sacā-
 " ham pi Uttarajīvamahātherena saddhim paccāgamissāmi, tatha
 " nātibalibodhena yathāphasukam uddesaparipuccham kātum na
 " sakkhissāmi, appeva nāmāham mahātheram apaloketvā idh'eva
 " Lankādipe vasitvā uddesaparipucchāvasena satthakatham pitakat-
 " tayam uggahitvā paccāgameyyan ti; tato so Uttarajīvamahātheram
 " apaloketvā, Lankādipe yev'ohiyi. Uttarajīvamahāthero pi samba-
 " hūlehi bikkhūhi saddhim nāvam abhiruyha Kusimanagaram patvā
 " yena Pugāmanagaram tad' avasaritvā tasmim pativāsi. Chapata-
 " bikhu ca uddesaparipucchāpasuto satthakatham pitakattayam
 " uggahitvā dasavasso hutvā ; therasammuti labhitvā Pugāmanaga-
 " ram paccāgantukāmo cintesi : sacāham ekako va pacchāgamissāmi,
 " tath-Ottarajīvamahātherābhāvena Pugāmavāsihi bhikkhūhi sadd-
 " him ekato yadisanghakammam kātun na icchāmi. Tadā pañcava-
 " ggaganābhāvena katham visum sanghakammam kattum lacchāmi ;
 " yamnu nāham aññehi tipitakadharehicatūhi bhikkhūhi saddhim pa-
 " ccāgameyyan ti. Evañ ca pana so cintetvā Tamalittivāsiputtena
 " Sivalitharena Kambojarājakanujena Tāmalindatherena Kañcipū-
 " ravāsitanayen' Anandatherena Lankādipavāsikatrajena Rāhula-
 " therena ca saddhim samvidhāya nāvam abhirūhitvā paccāgacchi.
 " Te pañcīca pi mahātherā tipitakadharā byattā patibalā ; tesu Rāhu-
 " latthero sūthutaram byatto patibalo. Te pana pañcamahātherā
 " Kusimanagaram patvā vassupanāyikāyōpakaṭhatthā Pugāman-
 " garam gamanakālābhāvato Kusimanagare yeva vassam upagacchi-
 " msu ; tesam vassupagamanatthāne vivihāravatthu vā pākāro vā Ku-
 " simanagarassa dakkhinadisābhāge yāvajjatanā dissati ; attha kho

" Chapato mahāthero vuttavasse pavāretvā catūhi therehi saddhim
 " yena Pugāmanagaram tena cārikam pakkāmi. Uttarājīvamahā-
 " therō tu katipayadivasāsampatte Chapatamahātherē kālam akāsi.
 " Chapatathero ca Pugāmanagaram patvā niccācariyabhūt-Ottara-
 " jīvamahātherassa kālankatabhāvam nātvā tass' ālahanam gantvā
 " vandanakhamāpanakammāni katvā catūhi therehi saddhim eva
 " samantayi: amhākam āyasmanto ācariyabhūt-Ottarājīvamahā-
 " therena saddhim ekato Lankādīpavāsino mahātherā sanghakam-
 " mam karonti yeva mayam pi' dāni Sonuttarābhidhānatherapave-
 " nibhūtehi Pugāmavāsīhi Bhikkhūhi saddhim ekato sanghakam-
 " mam yuttarūpā bhavissāma; athāpi pubbe amhākam ācariyabhūto
 " Rāmaññavāsiko Uttarājīvamahātherē yev' issaro; idāni tu Mram-
 " madesiyānam bhikkhūnam yev' issarattā tehi saddhim ekato
 " sanghakammam kātum na icchāmā' ti. Tato Chapatamahāthero
 " mānavasena Pugāmavāsīhi bhikkhūhi saddhim ekato sangha-
 " kammam akatvā visum yeva sanghakammam akāsi. Evam Rā-
 " maññadese Suddhammanagarato sāsanass' āgantvā Mrammadese
 " Pugāmanagare patitthānato catuvisādhikavassasate vitivatte yeva
 " sikhībedapānasakkārājena Lankādipato sāsanam āgantvā Pugāma-
 " nagare patitthātī daithabbam. Tadā Pugāmanagare Narapati-
 " jayasūro nāma rājā rajjam kāreti. So pañcasu mahātheresu
 " ativiyapasanno Erāvatīyā mahānadiyā nāvāsanghātam kārāpetvā
 " bahūpasampadāpekhe pañcamāhathere upasampadāpeti; ten'ete
 " mahātherā anukkamena vaddhitvā bahuganā jātā.....
 " Ānandathero pana catupaññāsavassāni Pugāmanagare sāsa-
 " nam jotiyyitvā munisuññarasa sakkarāje patte yathākammam gato.
 " Dalaratthe pana Padippajeyyābhidhānāgamaññavāsiputto Sāriputto
 " nām'eko sāmanero Pugāmanagaram gantvā Anandatherassa santike
 " upasampajjītvā, attakathā sahitam dhammadvinayam pariyā-
 " punāti. So evam pariyāpunadhammadvinayo samāno bahussuto
 " Sāriputto bhikkhu byatto patibalo ti pattatayaso hoti; atha Pugā-
 " marājā tassa kittisaddam sutvā yadi Sāriputto bhikkhu bahussuta-
 " dharo sutasamicayo byatto patibalo angapaccangapāripurisam-
 " pannāgato ca abhavissa; evam tam ācariyam katvā payirūpāsis-
 " sāmfti parijane pesitvā vimamsāpesi, te pana parijanā rañño
 " pesitā Sāriputtassa bhikkhuno angapaccangapāripuri vimamsimsu.
 " Evam vimamsamānā tassa bhikkhuno pādangutthakaggacchinna-
 " bhāvam disvā rañño tam pavattim ārocesum; rājā na sabbangapā-
 " ripurisamannāgato so bhikkhū' ti maññamāno tassa bahum
 " pujāsakkāram katvā Dhammavilāsathero ti nāmam datvā Rāmañ-
 " ñadese sāsanam pajeeyyāhiti vatvā tam uyyojesi. Tato Dham-
 " mavilāsathero Rāmaññadēsam gantvā ca Dalanagare bahubhikkhū
 " Dhammadvinayam pariyāpunāpesi; tadā Dalanagare tam pakkham
 " bhikkhusangham Sihalapakkham bhikkhusanghan ti. Sonutta-

*“rabhidhānapāvenibhūtam pana pūrimam bhikkhusangham Āriā-
“rahantapakkhasanghan ti ca Rāmaññadesiyā voharanti.”*

Translation.—In the year 419 of the Burmese era (1058 A.D.), or the 1601th year after Gotama reached Parinirvāna, King Anuruddha (Anawrahta), of Arimaddanapura (Pagan), brought a body of priests and the three Pitakas (from Rāmaññadesā, the dominion of the conquered Talaings) to Pagan and there established the (Buddhist) religion. After the establishment of the religion in Pagan, and in the 526th year of the Burmese era (1165 A. D.), Sirisanghabodhiparakkamabhūrājā, the King of Ceylon, took steps to reform the Buddhist church. Six years afterwards and in the 532nd year of the Burmese era (1171 A.D.) the mahāthero Uttarājīva, the tutor of the Pagan king, embarked, with many attending priests, at Kusimanagara (Bassein) for Ceylon in order to visit and do homage at the religious shrines in Ceylon. Who was the therō Uttarājīva? He was a native of Rāmañña (the country of the Talaings) and the pupil of Ariyawamsathera; Ariyawamsa was the pupil of the therā Mahākāla of Kappunganagara (the present Kaping near Twanté); Māhākala was the pupil of the mahāthera Prānadassi, who lived in Sudhammanagara (Thatōn). This Prānadassi had attained to the supernatural power of being able to fly through the air and to the other five abbiññas; thus he would in the morning go to the kingdom of Magadha, and after going round the Mahābodhi tree in the Uruvela forest, and then return (through the air) to the city of Sudhamma (Thatōn) to beg for his food. One day while he was going round the Mahābodhi tree in the morning, some merchants who lived in Uruvela and who had come to Magadha from Sudhammapura, saw and recognized him. These men, when they returned to Sudhamma, related the occurrence to the people. Thus it came to be known that the mahāthera Prānadassi possessed the lokiyajhānas and the abbiññas. (We can interpret this story by assuming Prānadassi to have been a Buddhist priest from Northern India, who sought refuge from persecution in Rāmaññadesā).

“The mahāthera Uttarājīva, having reached Kusimanagara, embarked for Ceylon, together with many priests and a novice who had attained his twentieth year. Who was this novice? Why was he called Chapatasamanero? He was a pupil of Uttarājīva and lived in Kusima (Bassein), the son of certain villagers, who were called Chapatas. When Uttarājīva had reached Ceylon, he made religion the subject of constant and earnest conversation with the mahātheras of the Island. The priests of Lanka said: ‘We are the ‘successors of Mahinda, who established Buddhism in the Island ‘of Ceylon, while you are the successors of the theras Sona and

'Uttara, who introduced Buddhism in Suvannabhūmi; let us therefore form one body and manage the affairs of the church jointly.' They then performed on Chapato, who had reached the proper age for ordination, the upasampada ceremony.

"After this the mahāthera Uttarajīva, having attained the object of his mission, such as the visiting and worshipping at the sacred shrines, made preparations to return to Pagan. Then the young bhikkhu Chapato thought thus : 'If I were to return with Uttarajīva to my native country, I might, owing to my duties to my relations, not be able to study the holy scriptures and commentaries. I will ask the mahāthera's permission to stay in Ceylon ; I shall then be able to acquire a knowledge of the Tripitaka and the commentaries by dint of hard study and constant inquiry ; probably I shall not return again after the accomplishment of my design.' After these reflections he remained in Ceylon, having obtained the permission of his preceptor to do so. Uttarajīva returned with his companions to Kusima and thence to Pagan, where he remained. Meanwhile the bhikkhu Chapato completed his studies of the three Pitakas and commentaries ; he was ordained a mahāthero, and after ten years of sojourn in Ceylon he thought of returning to Pagan. 'Suppose,' he reflected, 'I return to Pagan alone and find Uttarajīva no more among the living, I do not wish to act together with the resident priests at Pagan in matters concerning the church. How shall I manage church affairs as the pañcavaggagana—(a chapter of five priests. According to the Vinaya, a conclave of not less than five priests is necessary to give validity to the upasampadā and other ceremonies)—is not full. It will be expedient to take with me four other priests well versed in the Pitakas.' Chapata then consulted the following theras, who consented to go with him to Burma. The thera Sivali, a native of Tamralipti (the present Tamluk) ; the thera Ānanda, a native of Kāñcipura (Southern India) ; the thera Tāmalinda, a son of the King of Kambodja ; the thera Rāhula, a native of Ceylon. All five theras were well versed in the Tripitakas and in all respects learned, wise, and competent priests. Rāhulathera was the most eminent amongst them in point of learning. When the five bhikkhus reached Kusima, they spent the rainy season there as it was not considered advisable to proceed on the journey to Pagan at the approach of the rain. The walls of the monastery, where the five priests resided during the rainy season, are seen to this day (*i.e.*, when the Kalyāni inscriptions were written, 15th century) to the south of the ancient Kusimanagara.

"Having passed through the Lent and celebrated the pavāraṇā, Chapata, together with the four other theras, set out for Pagan on a preaching tour. In the meantime the mahāthera Uttarajīva had

died about two or three days before the arrival of Chapata ; the latter hearing that his teacher was dead, went to his grave and did the last honours to the deceased. He then assembled the priests and addressed them thus : ' Lords, through our teacher Uttarājīva ' the mahātheras of Ceylon have amalgamated with the successors ' of Sona and Uttara in this country and now form one body ; ' Uttarājīva managed the affairs of the church here, let us now con- ' tinue to do so in good concord.' But our teacher, the mahāthera ' Uttarājīva, was a native of Rāmañña, a successor of Sona and ' Uttara, and was at the head of the church. But now the Mra- ' mas (Burmans) are the lords of the country and the Mramma ' priests have assumed the lordship over the church, but their ' ordination, not having been performed according to the precepts ' of the Vinaya, is not valid. It behoves not that we, the suc- ' sors of Sona and Uttara, form one church with them.' Chapata with his followers renounced community with the Burmese priests at Pagan and formed a separate church. Thus Buddhism was established in Pagan from Ceylon in the year 543 (1182 A.D.), or 124 years after the first introduction of the religion in Pagan from Sudhammanagara (Thatōn).

" At that time Narapatijayasūra was king at Pagan ; he greatly patronized the five mahātheras ; he ordered a bridge of boats to be built in the river Irrawaddy, where a great number of novices were ordained by Chapata and his colleagues : their followers increased continually."

The Kalyāni inscriptions then continue to relate how different religious sects sprung up in Pagan. The five theras soon began to quarrel and finally each formed with their respective followers a sect of his own. The excommunicated Burmese priests constituted themselves into a separate sangha and sent members to Ceylon in order to receive a valid ordination from the resident priests at the Mahāvihāra ; they finally gained the ascendancy in the Burmese capital over the Talaing fraternities. I have given this long extract from the inscriptions to show how comparatively late the Burmans became Buddhists and adopted Hindu civilization. The first work ever written in Pagan is the Saddaniti, written in Pāli ; it is a grammar of the Tipitaka and the commentaries and was compiled by Aggavamsa, the then chief pandit (aggapandito) of the king ; it was completed in the year 1156. The thero Chapata transliterated the following works, written in Pāli with Singa- lese characters, into the Burmese-Talaing alphabet :—

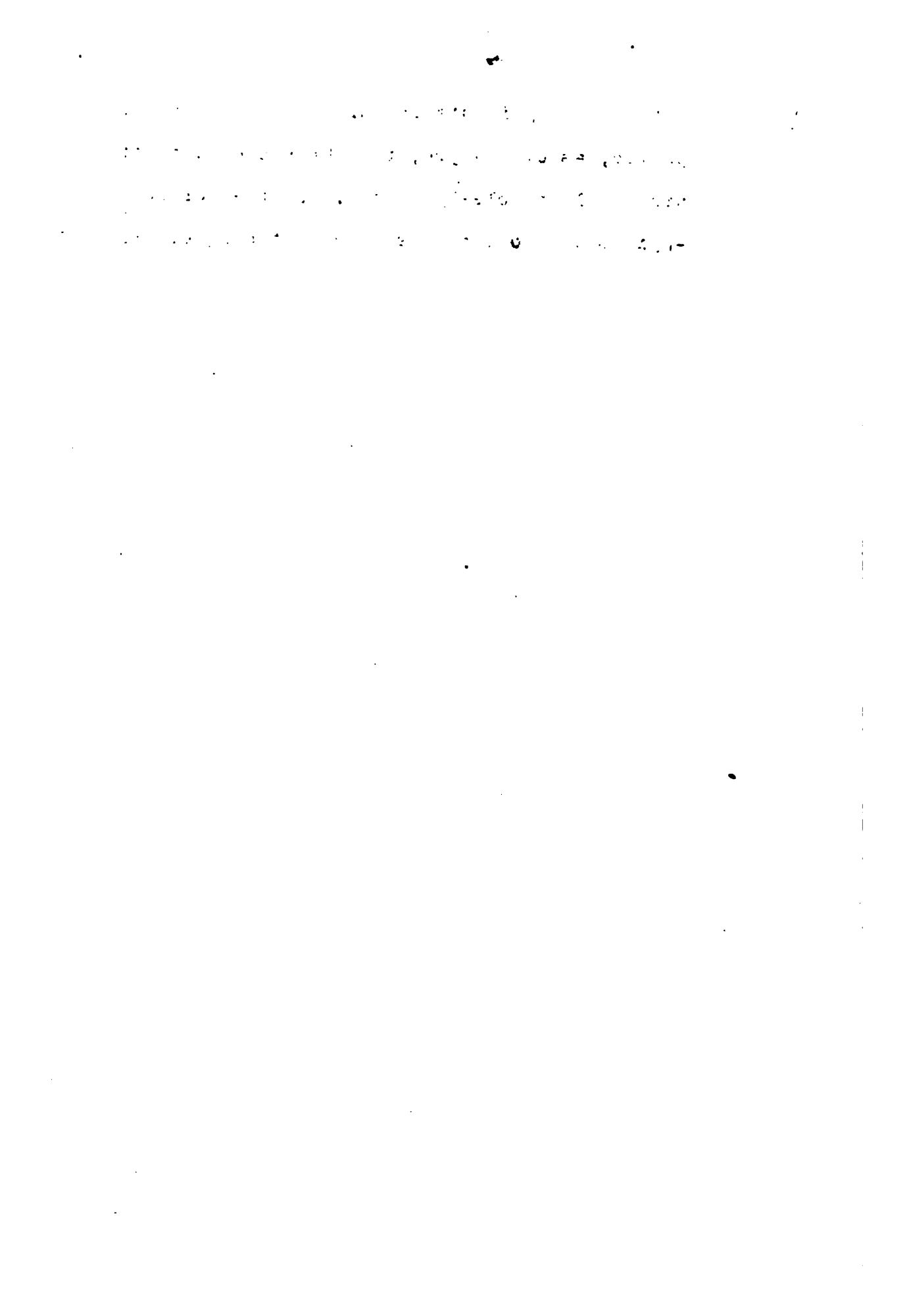
- (1) the Suttaniddesa, a grammatical work originally ascribed to Kaccāyana ;

Forchammer's Jardine

"The first work even written in Pali; it is a commentaries and was composed by (agganpandits) of

- 1- Is this generally correct?
- 2- Aggamvamsa is not mentioned me on 21.vi.20 who v-daws just like Panthagu
- 3- What king? 1156 would Forchammer's chronology sustain and to differ from was necessarily Alaungsisi

Aggamvamsa wrote his work in Pali. Another great author Shin Dhammasenapati during



- (2) the Sankhepavannana, an abridged commentary on the seven Abhidhamma books;
- (3) the Nāmacāradipani, a work on Buddhist ethics;
- (4) the Simālankāra, treating on the selection of proper sites and on the construction of religious buildings.

He is besides the author of the Vinayagulhatthadipani, an exposition of difficult passages in the five books of the Vinayapitakam.

We return now to Dhammadīlāsa the author or compiler of the first Manu dhammasattham, known in Burmese literature ; he was a pupil of Ánandathero, a native of Kāñcipurā, who, we have seen, was one of the four priests whom Chapata took with him from Ceylon : he survived the other members of the original " Chapter of Five," and died in the year 1246 A.D. Dhammadīlāsa's priestly name was Sāriputta, and as such he wrote the Saddavutti *ṭīkā*, a scholium on Saddhamma's grammatical work known as the Saddavutti. The Kalyāni inscriptions give the following particulars of this priest :—

" Now in Dala there was a novice called Sāriputta, who was " a native of Patippajeyya (the ruins of which are still to be seen " near Twantè). This priest went to Pagan and was ordained an " Upasampada under Ánanda thera. Under the tuition of the latter " he studied the whole Pitaka together with the commentaries ; he " was also learned (in other matters), intelligent, and able. The King " of Pagan, hearing of the fame of this bhikkhu said to himself : " ' I shall honour this priest Sāriputta by making him my tutor, " if he is learned and has a retentive memory, is intelligent, and " wise, and provided that he is perfect in all the members of his " body ' (one of the necessary qualifications for the post of a royal " guru). He then sent messengers to Sāriputta to satisfy them- " selves that he possessed the qualifications required by the king. " But it was found that he was not perfect in all the members of " his body. The king would not appoint him to the position of a " rājaguru, but he made him many valuable presents and (after " having induced him to write the Pāli Dhammadīlāsa) conferred " upon him the honorary title ' Dhammadīlāsa,' i.e., 'the beauty of " the law.' He then sent him to his native country Rāmañña, " there to work in the interest of the Religion. Dhammadīlāsa, " having returned to Rāmañña, settled down in Dalanagara (oppo- " site Rangoon) and instructed many priest in the precepts of the " Vinaya. His followers in Dala constituted a separate sect, known " as the Sihalabhikkhusangha; the successors of the theras Sona and " Uttara also segregated, and are known in Rāmañña as the sangha " of the Ariyārahantas."

I have not been able to find the original Dhammavilāsa Dhammathat; a commentary to this work was written (*circa* 1650 A. D.) by order of Ngazudāyaka; a Burmese version was written in the year 1768 by Nandamāla at Amarapura; that portion which treats of inheritance and partition has been translated from this modern Burmese version and is contained in Mr. Jardine's Notes on Buddhist Law, No. VII. The Dhammavilāsa contains the subject-matter divided into eighteen branches, which is the original division followed by the Hindu law-school of the Mānavas. The discovery of the original Dhammavilāsa, composed by a Talaing from Pāli or Talaing sources, would enable us to arrive, in conjunction with the study of the Wagaru Dhammathat, at a more accurate knowledge of the nature and origin of the Talaing Manu Dhammathats.

During the century which elapsed from the compilation of the Dhammavilāsa to that of the Wagaru Dhammathat the Talaing and Burmese priests at Pagan wrote numerous Pāli treatises on Pāli grammar and prosody. Amongst the most noteworthy productions are those of the priest Saddhammañāna, who wrote the Vibhattyattha, or "Examples of Pāli Cases;" the Chappaccaya and Chandosāratthavikasī, two commentaries on Moggallāyana's Vuttodaya; also a Pāli translation of the Sanscrit grammar known as the Kalāpa (Kātantra). Another priest, Saddhammasīri, composed the grammatical treatise Saddatthabheda-cinta, and a frère, known as the Abhayathera, wrote a scholium thereon, and also the scholium Sambandhachintatikā. Saddhammaguru is the author of the Saddavutti; Sirisaddhammakitti of the Saddabindutikā and the Ekakkharakosa; the priest Mangala wrote the Gandhatthi; Saddhammasena the Kārikā; Vepulla the Vācanatthajotikā, a gloss on the Vuttodaya. None but grammatical treatises appeared during the period mentioned and not a single work written in Burmese; not even a Burmese translation of a Pāli text is known to have been written prior to the close of the 14th century.

We now proceed to examine the Wagaru Dhammathat, the oldest law-book as yet found in Burma; the text, which is now before the public, is printed from a manuscript dated B. E. 1069 (1707 A. D.); the palm-leaf copy is older than most existing recensions of the Dhammathats. The Wagaru is ascribed to the King Wagaru, variously spelt as Magadoo, Warieru or Waru, the ruler of Martaban. This city was founded about A. D. 1167 by the Pagan King Narapatizithu, the Narapatijayasūra of the Kalyāni inscriptions and was ruled by Burman governors. "It is evident," says Captain Forbes, "that at this period the whole of the Pegu

and Tenasserim provinces were subject to "the rule of the Burman dynasty of Pagan." In the reign of "Kalabyaymin" King of Pagan, Aleinma was governor of Martaban and Tarabya governor or viceroy of Pegu. At this time a certain adventurer named Magadoo, said to be a Talaing, but more probably of half Shan extraction, had established himself as a petty chief near Martaban. He had formerly been in the service of the King of Thokekaday, a Shan state lying east of the present province of Yahaing. Magadoo assembled around him a number of Shan followers, and in the Burmese year 643, A. D. 1281, by a mixture of boldness and treachery, he murdered the Burman governor and made himself master of Martaban city. He then declared himself king and assumed the name of Wakaroo (Wagaru). Tarabya, governor of Pegu, about the same time rebelled against the King of Pagan and entered into an alliance with Wakaroo. The Burman forces were completely defeated and all the Talaing cities freed from the Burman rule. Wakaroo then, on account of the zeal or alleged treachery of Tarabya, turned his arms against his former ally, defeated and made him prisoner. He thus became master of Pegu, and the whole southern Talaing country except Bassein was now again independent.

Wakaroo appears to have been a wise and fortunate ruler; after a reign of 22 years he was murdered by the two sons of Tarabya, whom he had generously brought up and cherished. This took place in the Burmese year 668, A. D. 1306.

The kingdom founded by this sovereign may be considered the first of any importance established by Talaings in the maritime provinces of Burma, after the expulsion of Hindu colonists by Anawrahta. These colonists, chiefly from Southern India, occupied the whole coast, and had erected powerful cities which held the neighbouring Talaings and other tribes in political dependency. The colonies were no doubt governed by their mother country, and codes of law were then, as now by the British, promulgated and enforced in the colonies and among the people over whom they ruled. The Talaings became acquainted with them; their monasteries were the depositaries of learning; Dhammavilāsa and a century later the priests whom Wagaru consulted produced a Manudhammasattham, a close kindred to the Manudharmaśastras of India, and no doubt a heirloom of their former rulers; beyond Dhammavilāsa and Wagaru we know at present nothing of the history of Hindu law-books in Burma; the two Dhammathats are the base upon which, as we shall see later on, the Burmese law literature took its footing and began its further progress.

The Wagaru is a code of law which admits of no direct comparison with the law-books of the neo-brahmanic period, as instituted by the "Code of Manu" in its present form, and by Yajñavalkya ; it is based upon a source which was probably also that of the latter two ; both are near related : yet one applies to the Hindu as a Buddhist and the other to the Hindu of the later Brahmanic cultus. In Manu and Yajñavalkya we behold the authorities of the Vedas and the Brahmans struggling for general recognition and exclusive supremacy ; in the Wagaru we have a work which bears as yet no sign of the struggle between Buddhism and Brahmanism, a code of law which is the necessary and natural emanation of social and religious conditions, such as must have prevailed in India during the long period of religious and political supremacy of Buddhism in that country. It may be maintained, then, that the Wagaru is a Buddhist law-book ; but this is correct in a limited sense only. Gotama has provided no civil code for the layman ; he has only furnished in a general way that ethic element which should underlie the Dharma. Buddhism was introduced among the Tartars, but not so Hindu civilization ; we find therefore also no Hindu law-books amongst them, the presence and influence of Buddhism notwithstanding. In the Wagaru we have a set of rules and law which depict a certain stage of political and social development of Hindu society, wrapt in a sphere of Buddhist ethics and transplanted and adopted in a foreign country ; the same constant Hindu element we meet in the modern brahmanic codes of India, but here overgrown with neo-brahmanic notions and theories. The law-book before us is therefore a Hindu dhammasattham in its roots and its constant element, and probably the only survivor of the original Mānava school of India, which must have flourished when Buddhism was prevailing throughout the Peninsula. It would indeed be strange if Buddhistic India, which cultivated every branch of learning, developed the mightiest and most extensive native empires and covered the land with architectures of wonderful and stupendous magnitude, should have left us no record of its civil institutions.

Before entering into a detailed comparison of related passages in the Wagaru and other Hindu law-books, I shall place before the reader that portion of Buddhist ethics which *underlie* its Dharma in contradistinction to the ethics, the sacrificial notions, the authority of the Vedas and Brahmans, which even in the "Institutes of Manu" turn up with an almost nauseating frequency.

The Sigālovadavatthu of the Suttapitakam has rightly been called the Gihivinaya, the vinaya of the layman ; it contains in a precise form the duties of a Buddhist householder ; the five duties

of husband and wife, of children towards their parents, &c., which occur in the Wagaru, have direct reference to the Sigālovada. I give the translation in full (as given in the " Indian Antiquary" Vol. XII):

" Thus I have heard : on a certain day Buddho dwelt in Rāsagaha in a grove called Veluvana. And the same day the young householder Sigala rose early in the morning and went forth from Rājagaha and standing with wet hair and streaming garments and clasped hands uplifted, worshipped the various quarters, the east, the west, the south, the north, the nadir, and the zenith. And Buddha rose early in the morning and put on his raiment, and taking his bowl and robe went to Rājagaha to seek alms. And the blessed one beheld the young householder as with streaming hair and garments and clasped hands uplifted he worshipped the various quarters and beholding he thus addressed him : ' Wherefore, young man, dost thou rise betimes, and leaving Rājagaha with wet hair and streaming garments dost worship the various quarters, the east quarter, the south, the west, and the north, the nadir, and the zenith.' "

" ' Master, my father, when he lay on his deathbed said to me : ' My son, do thou worship the quarters.' Honouring therefore my father's words, reverencing, revering, and holding them sacred, ' I rise early in the morning and going forth from Rājagaha, with wet hair and streaming garments and clasped hands uplifted ' I worship the various quarters—the east, the south, the west, and the north, the nadir, and the zenith.' "

" ' Not thus, young man, should the six quarters be worshipped according to the teaching of holy sages.' ' How then, master, should the six quarters be worshipped ? May it please thee, master, so to teach me thy truth that I may know how the six quarters should be worshipped according to the teaching of the holy sages.'

" ' Hear then, young man, give heed to my words and I will speak.'

" And the young householder Sigala answered, ' Even so, Lord ; ' and thus the Buddha spoke : ' Young man, inasmuch as the holy disciple has forsaken the four polluting actions, inasmuch as he is uninfluenced by four evil states to commit sin, inasmuch as he eschews the six means of dissipating wealth, therefore freed from 14 evils, and guarding the six quarters he walks victorious over both worlds ; for him this world is blest and the next also, and on the dissolution of the body after death he is reborn in heavenly mansions.'

" What are the four polluting actions forsaken by him ? The destruction of life is a polluting act, theft is a polluting act, impurity

is a polluting act, lying is a polluting act; these four polluting actions are forsaken by him.

"And what are the four evil states that tempt men to sin? Through partiality men commit sin, through anger men commit sin, through ignorance men commit sin, through fear men commit sin. But inasmuch as the holy disciple lives uninfluenced by partiality or wrath or folly or fear, therefore these four evil states tempt him not to sin.

"Whoso from partiality, wrath, folly, or fear is tempted to pervert justice, his glory shall fade like the waning moon. But whoso untempted by these refrains from perverting justice, his glory is of the increasing moon.

"And what are the six means of dissipating wealth? Strong drink, young man, and theatre-going, and evil companions, and dicing, and wandering about the streets at night and idleness; these six bring a man to poverty.

"There are six evils, young man, in being addicted to strong drink, poverty, strife, disease, loss of character, shameless exposure of the person, and impaired faculties.

"Six evils attend on him who wanders about the streets at night. His life is in danger, his wife and children are uncared for, his property is unguarded, he falls under the suspicion of frequenting places of evil resort, false rumours circulate concerning him, and sorrow and remorse follow in his train.

"Six evils wait upon him who thirsts after worldly amusements; he is ever crying: Where is there dancing? Where is there singing? Where is there music? Where recitation? Where conjuring? Where public shows?

"Six evils wait upon the gambler. If he win he begets hatred; if he lose his heart is sorrowful. His substance is wasted, his word has no weight in a court of justice, his friends and his kinsmen despise him, and he is looked upon as ineligible for marriage, for men say a gambler is unfit to support a wife.

"Six evils attend on him who associates with bad companions. Every gambler, every libertine, every cheat, every rogue, every outlaw is his friend and companion. Six evils attend upon the sluggard. He says it is too cold and does not work; he says it is too hot and does not work; he says it is too early and does not work; he says it is too late and does not work; he says I am hungry and does not work; he says I am full and does not work; and while he thus lives, ever neglecting his duties, he both fails to acquire new property and that which he possesses dwindles away. Some friends are only boon companions, some are hollow friends; the true friend is the friend in need.

"Sleeping after the sun has risen, adultery, revenge, malevolence, evil communications, and avarice, these six things bring a man to ruin.

"He who has sinful friends and sinful companions, who is devoted to sinful practices, the same is ruined in this world and in the next.

"Gambling, debauchery, dancing, and singing, sleeping by day and wandering about at night, bad companions and avarice ; these six things bring a man to ruin.

"Woe to the dicers, to them that drink strong drink, that go in unto their neighbour's wife : whoso follows wickedness and honours not the wise, he shall fade like the waning moon. He that drinks strong drink is needy and destitute, ever thirsting with unquenchable thirst, he plunges into debt as one plunges into water, and will quickly bring his family to nothing ; he who sleeps by day and rises at night, who is ever full of wine and whoredoms, is unfit to maintain a family.

"Poverty overtakes him who says, it is too cold, it is too hot, it is too late, and neglects his work ; but he who, performing his duties, recks not a straw for heat or cold, his happiness shall not decay.

"There are four young men who seeming to be friends are enemies in disguise,—the rapacious friend, the man of much profession, the flatterer, and the dissolute companion.

"In four ways the rapacious man may be known to be a false friend : he enriches himself at your expense ; he expects much in return for little ; he does what is right only under the impulse of fear ; and he serves you from self-interested motives.

"In four ways the man of much profession may be known to be a false friend : he boasts of what he meant to do for you ; he boasts of what he means to do for you ; he is profuse in unprofitable compliments, but in the hour of need he protests his inability to serve you.

"In four ways the flatterer may be known to be a false friend : he assents when you do wrong ; he assents when you do right ; he praises you to your face and speaks ill of you behind your back.

"In four ways the dissolute companion may be known to be a false friend : he is your friend if you follow after strong drink, if you wander about the streets at night ; he is your companion in theatre-going ; he is your companion in dicing. The rapacious friend, the insincere friend, the friend who speaks only to please, and he who is a companion in vicious pleasures—recognizing

these four to be false friends, the wise man flees far from them as he would from a road beset with danger.

" These four, young man, are true friends : the watchful friend, the friend who is the same in prosperity and adversity, the friend who gives good advice, and the sympathizing friend.

" In four ways the watchful may be known to be a true friend : he protects you when you are off your guard ; he watches over your property when you are careless ; he offers you an asylum in time of danger ; and when work has to be done he gives you the means of doubling your wealth.

" In four ways the friend who is the same in prosperity and adversity may be known to be a true friend : he confides to you his own secrets ; he faithfully keeps yours ; he forsakes you not in trouble ; and he will lay down his life for your sake.

" In four ways the good counsellor may be known to be a true friend : he restrains you from vice ; he exhorts you to virtue ; he imparts instruction ; and he points the way to heaven.

" In four ways the sympathizing friend may be known to be a true friend : he grieves over your misfortunes ; he rejoices in your happiness ; he restrains those who speak ill of you.

" The watchful friend, the steadfast friend, the good counsellor, and the sympathizing friend,—recognizing these four to be true friends, the wise man cleaves to them as the mother cleaves to her infant son.

" The wise man endowed with righteousness shines like a flaming fire. He who gathers wealth as the bee gathers honey, his wealth shall accumulate as the ant's nest is built up, and with wealth thus acquired he will bring no dishonour upon his family.

" Let him apportion his property into four, and so let him cement friendships. With one portion let him maintain himself, with two let him carry on his business, the fourth let him treasure up, it will serve him in time of trouble. But in what way does the disciple of holy sages guard the six quarters ? Know, young man, that these are the six quarters. Parents are the east quarter, teachers are the south quarter, wife and children are the west quarter, friends and companions are the north quarter, spiritual pastors are the zenith, and servants and dependents are the nadir.

" In five ways, young man, a son should minister to his parents, who are the east quarter : he should say ' I will support them who have supported me ; I will perform their duties ; I will guard their possessions ; I will make myself worthy to be their heir, and when they are gone I will pay honour to their memory.' And in five ways the parents show their affection for their son : they keep him from vice, they train him in virtue, they provide him with a good educa-

tion, they unite him to a suitable wife, and in due time make over to him the family heritage. And thus is the east quarter guarded and free from danger.

"In five ways the pupil should honour his teachers, who are the south quarter : by rising in their presence, by ministering to them, by obeying them, by supplying their wants, and by attentively receiving their instruction. And in five ways the teachers show their affection for their pupil : they train him up in all that is good, they teach him to hold fast knowledge, they instruct him in science and lore, they speak well of him to his friends and companions, and protect him from danger in every quarter.

"In five ways should the wife, who is the west quarter, be cherished by her husband : by treating her with respect, by treating her with kindness, by being faithful to her, by causing her to be honoured by others, and by furnishing her with suitable apparel. And in five ways the wife shows her affection for her husband : she orders her household aright, she is hospitable to kinsmen and friends, she is a chaste wife, a thrifty housekeeper, and skilful and diligent in all her duties.

"In five ways should the honourable man minister to his friends and companions, who are the north quarter : by liberality, courtesy, and benevolence, by doing to them as he would be done by, and by sharing with them his prosperity. And in five ways do they in turn show their friendship : they watch over him when he is off his guard, they watch over his property when he is careless, they offer him a refuge in danger, they forsake him not in misfortune, and show kindness to his family.

"In five ways the master should provide for the welfare of his servants and dependents, who are the nadir : by apportioning work to them according to their powers, by supplying them with food and wages, by tending them in sickness, by sharing with them unusual delicacies, and by granting them occasional relaxation. And in five ways do they in return testify their affection for their master: they rise before him and retire after him, they are content with what is given them, they do their work thoroughly, and they speak well of their masters.

"In five ways should the honourable man minister to his spiritual masters, who are the zenith : by friendly acts, by friendly words, by friendly thoughts, by giving them a ready welcome, and by supplying their temporal wants. And in six ways do they show their affection in return : they restrain him from vice, they exhort him to virtue, they are kindly affectioned toward him, they instruct him in religious truth, clear up his doubts, and point the way to heaven.

"Parents are the east quarter, teachers are the south, wife and children are the west, friends and companions the north, servants and dependents are the nadir; the zenith are spiritual pastors. Let a man worship these quarters and he will bring no dishonour upon his family.

"The wise man who lives a virtuous life, gentle and prudent, lowly and teachable, such a one shall be exalted. If he be resolute and diligent, unshaken in misfortune, persevering and wise, such a one shall be exalted. Benevolent, friendly, grateful, liberal, a guide, instructor, and trainer of men, such a one shall attain honour.

"Liberality, courtesy, benevolence, unselfishness, under all circumstances and towards all men, these qualities are to the world what the linchpin is to the rolling chariot. And when these qualities are wanting neither father nor mother will receive honour and support from a son. And because wise men foster these qualities therefore do they prosper and receive praise."

When Buddha had thus spoken, the young householder Sigāla addressed him as follows : "It is wonderful, master! It is wonderful, master! 'Tis as if one should set up again that which is overthrown or should reveal that which is hidden, or should direct the wanderer into the right path, or hold out a lamp in the darkness, so that they that have eyes to see shall see. Yea, even thus has the Blessed Lord made known the truth to me in many a figure. And I, even I, do put my trust in Thee, and in thy Law and in thy Church. Receive me, Lord, as thy disciple and true believer from this time forth as long as life endures."

I have already intimated that a direct comparison of the Wagaru or other Burmese dhammathats, instituted with a view to trace them directly to any brahmanic code of the six schools of Hindu law, is hardly admissible ; they are co-related to each other and occupy the same relative position towards each other as, in the field of languages, the *sister* languages, Sanscrit and Pāli, which have a common parent but are not derived from each other. The close relation of the Wagaru with the institutes of the Hindu Manu will appear clearly from the following points of coincidence:

Wagaru, § 2.—"Listen, O great king, attentively to the 18 branches of law contained in this dhammathat. The law concerning the contracting of debt ; the law of giving and taking (in marriage) ; the law of sale and purchase ; the law regarding slaves ; the law of inheritance ; the law of gambling ; the law of assault ; the law of theft ; the law regarding the hiring of persons ; the law dealing with adultery ; the law of division of land ; the law of purchase of property ; the law relating to accusations ; the law of deposit

of property ; the law of mortgage ; the law of divorce ; the law regarding two-footed and four-footed animals."

Institutes of Manu, Chapter VIII, 4 to 8.—" Of these (18 principal) titles (of law), the first is debt on loans for consumption ; the second, deposits and loans for use ; the third, sale without ownership ; the fourth, concerns among partners ; the fifth, subtraction of what has been given ; the sixth, non-payment of wages or hire ; the seventh, non-performance of agreements ; the eighth, rescission of sale and purchase ; the ninth, disputes between master and servants ; the tenth, contest on boundaries ; the eleventh and twelfth, assault and slander ; the thirteenth, larceny ; the fourteenth, robbery and other violence ; the fifteenth, adultery ; the sixteenth, altercation between man and wife ; the seventeenth, the law of inheritance ; the eighteenth, gaming with dice and with living creatures. These 18 titles of law are settled as the groundwork of all judicial procedure in this world."

These 18 branches of law are given in all Burmese dhammathats ; the substance is more or less the same as that given in the Hindu Manu. But it is important to note that the deviations in the textual wording in the Sanscrit and Pāli originals are far greater than the differences in the two languages require ; if the latter were a translation of the former, or based upon a corresponding sanskrit version, a considerably closer approach in the wording of the texts would have been the unavoidable result. Compare the following passages from Burmese dhammathats with the Sanscrit text of Manu (Chapter viii, vv., 4, 5, 6, 7, as quoted in Mandlik's edition of the Vyavahāramayukha, pg. 1) treating of the 18 branches of law :

Manu Ring Dhammathat, page 16—

" Innadhannam sannithānam nasakam paratinnitam.
Adhammadhannavibhāgam, dhanam datvā pacchā gantī.
Bhatti cabalibodho bahumajje susamukhe.
Yam ca vākyam kathetvāna pacchā kathenti tam.
Kinitvā puna icchanti vikinitvā vivattati.
Sabbe dvipadā catupadā ca, manussavibhāttikā.
Pathavivibhāttikā ca aññam dosaparo pi tam.
Paraghāram gharam gacchesu itthipurisavivatte.
Vibhatte ca dhannahetu aggadhuttpatisāro.
Attharasa ete mulā dhammasatte pakāsita."

Manu Sāra Shwe Min, page 24—

" Innaddhanam nidhānakam parakinitam adhamma.
Dhanabhāgiyam pacchāganham dhanam dato.
Bhatikanam palibodho bahumajjhe tu samukhe.
Yam vacanam kathetvāna pucchā puna ca kathānam.

Pun'icchatam kinitva vivattanam dvipadā vā
 Catuppadāsabbemanussā attikā pathaviyā vibhattā ca
 Aññadosaparo pitā paraghātam ghāram gaccha
 Itthipurisa viggatam vibhattadhanam hetujam
 Akkho kilapatibbhāgam ete mulā c'attharasa
 Dhammasatte pakāseto."

Manu Wannana, page 24—

" Tesam rājavicāritā inako ca nidhāyakam
 Paradappavinodanam dinnam pacchāgaham tathā
 Vattakīnañ ca bhajjanam bhatisaccavikāranam
 Gopālānañ ca lakkhanam kayavikkayavattanam
 Bhūmipamānakam pi ca abbhācikkhanatenanam
 Pahatam ghātacāriyam, dāsaccañ ca vivādānam
 Abhūtakañ ca dāyajjam loke lokavivādakā
 Atthārasa tatonuddham sakhā aneka vāsiyum."

The Vinicchayapakāsanī always refers to the Manusāra as the authority to be followed. Speaking of the 18 branches of law, the Vinicchaya says :

" Atthārasa ca mūlakā manusāre visesato, sākhābheda ca dīpitā khajho manupama idha." In the Wagaru we have a corrupted prose text in the Pāli : " tam inako dinnam dinnako kinitam kiniko, dāsa- " kamman, dāyojjam, ambutam, podantā paracoro, kassakammo, " paradāsako, bhummikhettako, dhanabhāgam, paradako, sannakam, " sannidhānam, patibharikāmo, dvipādacatupadā iti athārasa mahā- " samadarajā dalham sunatha." From what older metrical (or prose) version the text of the Wagaru is derived is at present not possible to decide. It is, however, clear that the language and contents are nearly the same in all Burmese dhammathats, but the latter, when compared with the Sanscrit texts, show only a similarity in the disposition of the subject-matter but not in the technical terms or the idiom employed. Attempts have been made to connect gāthas of the Manu Sāra Shwe Min directly with apparently related passages of Sanscrit brahmanic texts, and to draw important historical and literary inferences from such resemblances. But the Manu Sāra is, in its own showing, based on the prose version of the Wagaru ; the execrable verses of the Manu Ring (I have given the different texts quoted with the faults of the originals) are one of the earliest attempts to turn the original prose into gāthas, and the corresponding passages in the Manu Wannana, Manu Sāra, and all other Pāli Burmese law-books are only more or less successful attempts to give the verses a more classical gloss and finish ; the prosody of the versified Pāli texts in the dhammathats has a history in Burma extending over several centuries, and this should form an important consideration in our inquiry.

Wagaru, § 7.—“If, after two persons have jointly contracted a debt with a lender, one of them runs away and dies, the creditor is entitled to ask the other party to make good the debt thus contracted ; and he shall pay it.”

Institutes of Manu, Chapter VIII, 158.—“The man who becomes surety for the appearance of a debtor in this world and produces him not shall pay the debt out of his own property.” (Compare *Manu Wannana*, sections 233, 338 ; *Manu Sāra*, sections 328, 329, 330, 352 ; *Manu Kyay*, pages 81, 101.)

The monthly interest should not exceed in time the amount of the principal (*Institutes of Manu, Chapter VIII, 153*). “If a man is “unable to repay a debt after a lapse of five or ten years, the creditor “shall not be entitled to a monthly interest on his money but to an “amount of interest which is equal to the sum originally lent. Interest “on money received at once, not year by year, month by month, or “day by day as it ought, must never be more than enough to double “the debt, that is more than the amount of the principal paid at “the same time (*Manu Ring*, section 100 ; *Wannana*, section 195 and following ; *Manu Sāra*, 377).

Wagaru, § 3.—“If a man has contracted a debt and is unable to repay the same after a lapse of five or ten years from the date of contracting it, the creditor shall not be entitled to a monthly interest on his money but to an amount of interest which is equal to the sum originally lent.”

With regard to recovery of debts, sections 4 and 6 of the *Wagaru* are covered by sections 51 and 52, Chapter VIII, of the *Institutes of Manu*. The first chapter of the *Wagaru* contains what in brahmanic codes is usually treated under the three different heads of recovery of debts, sureties, and witnesses to debts.

Institutes of Manu, Chapter VIII, 204.—“If after one damsel has been shown, another be offered to the bridegroom, he may become the husband of both for the same price.”

Wagaru, § 23.—“If the parents of girls promise to give in marriage either the elder or the younger daughter and point out one of the two but do not, when the time to give her over has arrived, give the daughter previously pointed out but the other one, the man shall have the right to take both.” (*Manu Sāra*, sections 108, 109 ; *Manu Wannana*, section 123.)

Institutes of Manu, Chapter IX, 69.—“The damsel whose husband shall die after troth verbally plighted but before consummation, his brother shall take in marriage.”

Wagaru, § 26.—“If there be elder or younger brothers and the one appointed in marriage dies, another son must be given instead” (*Manu Wannana*, section 120 ; *Manu Sāra*, section 98).

Institutes of Manu, Chapter IX, 76.—“If he (the husband) live abroad on account of some sacred duty, let her wait for him eight years; if on account of knowledge or fame, six; if on account of pleasure, three.”

Wagaru, § 46.—“Wives should wait for their husbands when they are absent under the following circumstances: three years when he has been called to the presence of his father or mother, four years when absent in search of wealth, six years when in search of learning, and eight years when he has joined the army” (Manu Sāra, section 139; Manu Wannana, sections 165, 186).

Wagaru, § 35.—“Drinking intoxicating liquor, gadding about the entrance of the house, habitually going to the house of other people, raising the anger of her husband, neglecting domestic duties, and having another man (paramour); these are the six evil practices in woman.”

Manu, Chapter IX, 13.—“Drinking spirituous liquor, associating with evil persons, absence from her husband, rambling abroad, unreasonable sleep, and dwelling in the house of another, are six faults which bring infamy on a married woman.”

Wagaru, § 36.—“A husband may put away the following five kinds of wives: One who does not give birth to children; one who has born daughters only; one who does not conform to the desires of her lord; one who is afflicted with a disabling disease, and one who has taken another man.” (Vinicchayapakāsanī, sections 55—56; Manu Ring section 11; Wannana section 156; Manu Sāra section 136.)

Manu, Chapter IX, 80, 81.—“A wife who drinks any spirituous liquor, who acts immorally, who shows hatred to her lord, who is incurably diseased, who is mischievous, who wastes his property, may at all times be superseded by another wife. A barren wife may be superseded by another in the eighth year; she, whose children are all dead, in the tenth; she who brings forth only daughters, in the eleventh; she who speaks unkindly, without delay.”

In sections 364—366 of Manu, the various kinds of virgins are mentioned in the same order as in Wagaru, sections 59 and 60, with the difference, however, that in the former offences against their chastity are punished corporally; in the latter pecuniary compensations must be given.

Manu, Chapter VIII, sections 364—366.—“He, who vitiates a damsel without her consent shall suffer corporal punishment instantly; but he who enjoys a willing damsel shall not be corporally punished, if his class be the same with hers.

Manu.—“ From a girl who makes advances to a man of a high class, let not the king take the smallest fine ; but her who first addresses a low man, let him constrain to live in her house well guarded.

“ A low man, who makes love to a damsel of high birth, ought to be punished corporally ; but he who addresses a maid of equal rank shall give the nuptial present and marry her, if her father please.”

Wagaru, § 59.—“ There are six kinds of virgins : Those who are of like desires (consenting virgins); non-consenting virgins ; virgins who are of lower birth (than the man); virgins of higher birth (than he); virgins who are of equal social standing with him; virgins of noble birth. This division of virgins ought to be borne in mind.”

Manu.—“ The eldest son may take entire possession of the patrimony. Of all the goods collected let the first-born take the best article ; whatever is most excellent in its kind and the best of ten.”

Wagaru, § 71.—“ On the death of the father his aurasa son shall get the personal belongings (paribhoga) of his father.”

Wagaru, § 72.—“ Of the remaining property (after the eldest son has taken his privileged portion) the mother shall receive three-fourths, and the remaining one-fourth share shall be divided amongst the aurasa son and the other persons of the family. The division is as follows : It shall be divided into ten shares, and the eldest son shall get two ; the remaining property shall again be divided into ten shares and the eldest daughter shall get two.”

Manu.—“ If there be four wives of a Brahmana in the direct order of the classes, and sons produced by them all, this is the rule of partition among them :

“ The chief servant in husbandry, the bull kept for impregnating cows, the riding horse or carriage, the ring and other ornaments, and the principal messuage shall be deducted from the inheritance and given to the Brahmana son, together with a larger share by way of pre-eminence.

“ Let the Brāhmaṇa take three shares of the residue ; the son of the Kshatriya wife, two shares ; the son of the Vaisya wife, a share and a half ; and the son of the Sudra wife may take one share.”

Wagaru, § 81.—“ The Lord Rishi Manu has decided that the property of a man should be thus divided among the four kinds of wives. If the wife belongs to the royal family, she shall receive four shares ; if she belongs to a Brahman family, she receives three shares ; if she belongs to a merchant family, she receives two shares ; and if she belongs to a cultivator’s family, she receives one

share. "The sons of such wives are entitled to the inheritance in the same proportion as their respective mothers."

Manu.—"Of the twelve sons of men whom Manu, sprung from the self-existent, has named, six are kinsmen and heirs; six not heirs, except to their own father, but kinsmen.

2. "The son begotten by a man himself in lawful wedlock; the son of his wife begotten in the manner before mentioned; a son given to him; a son made or adopted; a son of concealed birth, or whose real father cannot be known; and a son rejected by his natural parents, are the six kinsmen and heirs.

3. "The son of a young woman unmarried; the son of a pregnant bride; the son bought; a son by a twice-married woman; a son self-given; and a son by a Sudra, are the six kinsmen, but not heirs to collaterals.

Wagaru, §§ 83 and 84.—"O great king! There are twelve kinds of sons, of which six are entitled to inherit the property of their parents and six are not entitled. The first six are: the *aurasa* son, the *hattima* son, the *khettaja* son; the *pubbaka* son, the *kittima* son and the *apatitha* son. The following six kinds of sons are not entitled to inherit the property of the deceased parents: Sons given by others; sons bought with property; a son of one's wife but begotten by another man; a son begotten in indiscreet amorous play; 'dog sons,' that is, such sons as defy the authority of their parents; poor, hunger-stricken children, who are fed and brought up. Thus Manu, the Rishi, has decided."

The order of sons is disturbed in the *Wagaru*. Thus the *kittima* son occurs in the class of primary sons, in *Manu*, the *kritrima* son is a secondary son; the *sahoda* son is in our text the son bought with property; in *Manu* the *sahodhajo* is the son produced in the womb (before marriage)."

Manu.—"Eunuchs and outcastes, persons born blind or deaf, madmen, the dumb, and such as have lost the use of a limb, are excluded from a share of the heritage.

2. "But it is just that the heir who knows his duty should give all of them food and raiment for life without stint, according to the best of his power: he who gives them nothing, sinks assuredly to a region of punishment."

Wagaru, § 82.—"If in a family children are born of defective or equivocal sex, such children are not entitled to an equal share of the inheritance with the other co-heirs; only so much should be given to them that they can live" (starving allowance).

Manu.—"What was given before the nuptial fire, what was given at the bridal procession, what was given in token of love, and what

was received from a mother, a brother, or a father are considered as the sixfold separate property of a married woman."

Wagaru, § 67.—“If parents have given presents, such as gold, silver, elephants, horses, cows, buffaloes, &c., to daughters when they are small or on certain festivals, such as the shaving of the head, the boring of the ears, and at the day of marriage, the parents shall have no right afterwards to demand the return of gifts thus given and actually placed into the hands of their daughter.”

Manu.—“The wealth of the other classes (not Brahmanas,) on failure of all heirs, the king may take.”

Wagaru, § 79.—“If there are neither auratas nor adopted children, nor any relatives, the property falls under the jurisdiction of the king.”

Manu.—“But a son, begotten by a man of the servile class on his female slave, or on the female slave of his male slave, may take a share of the heritage, if permitted by the other sons: thus is the law established.”

Wagaru, § 79.—“If an estate is to be divided among one's three kinds of sons, the aurata sons shall receive four shares, the youngest sons one share, and the sons born of a female slave half a share.”

Manu, Chapter VIII, 189 and 191.—“If a deposit be seized by thieves, or destroyed by vermin, or washed away by water, or consumed by fire, the bailee shall not be obliged to make it good, unless he took part of it himself.”

“He who restores not a thing really deposited, and he who demands what he never bailed, shall both be punished as thieves.”

Wagaru, § 88.—“Whereas if such property is destroyed by fire or by water, or stolen by robbers, its owner cannot ask it back. If the bailee deceitfully tells the owner that his property has been destroyed by fire or water, or stolen by robbers, and if afterwards it is proved that such property is found in the bailee's possession, he shall expiate (the offence) by receiving a thief's punishment. Thus has the Rishi Manu decided.”

Manu, Chapter VIII, 197.—He who sells the property of another man, without the assent of the owner, the judge shall not admit as a competent witness, but shall treat as a thief, who pretends that he has committed no theft.”

Wagaru, § 92.—“If it be found out afterwards that the said property has been hidden or sold to others, the pledgee shall suffer the punishment inflicted on robbers. Thus has the Rishi Manu shown.”

Manu, Chapter VIII, 234.—“When cattle die let the herdsman carry to his master their ears, their hides, their tails, the skin below



their navals, their tendons, and the liquor exuding from their fore-heads : let him also point out the limbs.

"The herdsman himself shall make good the loss of a beast which through his want of good care has strayed, has been destroyed by reptiles, or killed by dogs."

Wagaru, § 103.—"If a man, after receiving wages, agreed to pasture and tend oxen, buffaloes, horses or goats, and if any of these animals die, he shall preserve its skin, tail, or horns and deliver its flesh to the owner ; if he does not show the skin, tail, horns, &c., to the owner and conveys no information to him regarding its death, the herdsman shall pay compensation for it. He shall also pay compensation if any of the animals be stolen by robbers during the daytime. Thus has the Rishi Manu shown."

Manu, Chapter VIII, 238.—"Within that pasture ground if cattle do any damage to grain in a field uninclosed with a hedge the king shall not punish the herdsman."

Wagaru, § 108.—"If the owners of gardens and plantations fail to put up any fence or hedge for the protection of their lands, and if buffaloes, ponies or goats destroy the trees and plants planted therein, the owner of the cattle is without fault."

In the chapter on slavery, the Wagaru enumerates 14 kinds of slaves which nearly correspond with the 15 kinds of slaves mentioned by Nārada. The seven sorts of slaves named by *Manu* (Chapter VIII, 415) are alluded to in Wagaru, sections 115 and 116.

Manu.—"There are servants of seven sorts : one made captive in battle, or maintained in consideration of service, one born of a female slave in the house, one sold, or given, or inherited from ancestors, and one enslaved by way of punishment on his inability to pay a large fine."

Wagaru, § 115.—"An owner may claim the service of the following seven kinds of slaves : (1) Those who are bought with property ; (2) children of female household slaves ; (3) slaves inherited from one's parents ; (4) slaves given by others ; (5) those who have become slaves in being freed from danger ; (6) those who are starving and become slaves for being fed and supported ; (7) those who become prisoners on account of their hostility" (prisoners of war).

Manu, Chapter VIII, 246—250.—"When boundaries are first established let strong trees be planted on them—lake and wells, pools and streams—large pieces of stones, bones, tails of cows, bran, ashes, potsherds, dried cow-dung, brick and tiles, charcoal, pebbles, and sand, &c."

Wagaru § 171.—"A man shall distinctly mark the boundaries of his land by the following means : trees, bamboo-bushes, holes,

ponds, rivers, ditches, lakes, paths, hills, tree-stumps, boulders, sand, potsherds, charcoal, the skulls of cows, cow-bones, signposts, and stakes."

Manu, Chapter VIII, 64—68.—"Those must not be admitted (as witnesses) who have a pecuniary interest; nor familiar friends, nor menial servants; nor enemies; nor men formerly perjured; nor persons grievedly diseased; nor those who have committed heinous offences.

"The king cannot be made a witness; nor cooks and the like mean artificers; nor public dancers and singers; nor a priest of deep learning in scripture; nor a student in theology; nor an anchorite secluded from worldly connexions.

"Nor one wholly dependent; nor one of bad fame; nor one who follows a cruel occupation; nor one who acts openly against the law; nor a decrepid old man; nor a child; nor one man only, unless he be distinguished for virtue; nor a wretch of the lowest mixed class; nor one who has lost the organs of sense.

"Nor one extremely grieved; nor one intoxicated; nor a madman; nor one tormented with hunger or thirst; nor one oppressed by fatigue; nor one excited by lust; nor one inflamed by wrath; nor one who has been convicted of theft."

Wagaru, § 184.—"The following fifty-seven (?) kinds of witnesses should not be asked to give evidence:—Those who do not believe in transmigration; those who have been bought; the slave of the litigant; the relatives of the litigant; the friend of the litigant; those who have quarrelled with the litigant; talkative people; persons who are sorely afflicted with a disease; those who are stricken with old age; young people; persons who habitually find fault with others; professional singers, dancers: necromancers; goldsmiths; blacksmiths; garland-makers; shoe-makers; persons whose parentage and residence is unknown; persons who have committed murder; those who possess a knowledge of medical works; hermaphrodites; courtezans; malicious persons; lunatics; wicked (or lowborn) persons; hunger-stricken persons; dice-players; persons of an irritable temper; robbers; pregnant women; drunkards; weary travellers, who came from a distance; persons who are untruthful; travellers from beyond the sea; climbers of trees; hunters; persons who enter other people's houses and behave haughtily; adulterers; persons abandoned by their relatives; persons who receive wages from the litigant; persons who owe money to the litigant or who are the litigant's masters. Even wise judges may be misled, if they examine such witnesses; but their testimony may be taken if both parties consent to it."

Manu, Chapter VIII, 124.—“Manu, son of the self-existent, has named ten places of punishment which are appropriated to the three lower classes.”

Wagaru, § 191.—“He who decides a case unjustly shall be doomed to suffer either the eight kinds of danger or the ten kinds of punishment. Thus has the Rishi Manu said.”

A considerable number of rulings of the Wagaru not contained in the Institutes of Manu can be covered by similar or identical dicta in Yajnavalkya, Nārada, Vrihaspati, and other ancient codes of Hindu law.

Vishnu, Katyāyana.—(I quote from Colebrooke's Digest of Hindu law). “After the lapse of one year debtors who have not acted fraudulently must pay interest as allowed, even though not agreed on at the time of the loan.”

Wagaru, § 17.—“If a man has incurred a debt on which he is to pay no interest on the condition that the loan be returned in three or five months, he shall pay double the amount of the original debt if he has allowed the debt to remain unpaid for one year. Thus it is shown in the Dhammathat.”

Yajnavalkya.—“The pledge is forfeited, if it be not redeemed when the debt is doubled ; since it is pledged for a stipulated period it is forfeited at that period.”

Wagaru, § 89.—“If a person entrusts animate or inanimate property to another and promises to come and take it away at such and such a day, month or year, and if he fails to do so, it shall be forfeited to the bailee.”

Katyāyana.—“If the surety for the appearance of a debtor produce him not at the time and in the place agreed on, he shall discharge the debt, unless he was prevented by the act of God or the King.

“After the time of difficulty has passed, the surety who still does not produce him shall pay the debt ; and the same law is declared even if the debtor should die.”

Wagaru, § 11.—“If a person accompanies another (as surety) when the latter is about to contract a debt, that person shall, if the debtor absconds or dies, make good to the creditor the principal. This ruling is maintained in the Dhammathats.”

Yajnavalkya.—“When there are two or more sureties jointly bound, they shall pay their proportionate shares of the debt ; but when they are bound severally, the payment shall be made by any one of them as the creditor pleases.”

Wagaru, § 10.—“If other persons stand security to the contracting of a debt, and have agreed to do so in the presence of

the creditor, any one of those who stood security may be compelled to repay the principal and interest if the debtor absconds."

Vrihaspati.—"The sons must pay the debt of their father, when proved, as if it were their own, or with interest; the son's son must pay the debt of his grandfather, but without interest; and his son, or the great grandson, shall not be compelled to discharge it, unless he be heir and have assets."

Wagaru, § 15.—"Sons should pay the debts incurred by their parents; but those sons, who do not obtain inheritance from their parents, shall not be held liable to pay the debt (of their parents)."

Yajnavalkya.—"If one of two or more parceners or undivided kinsmen contract a debt for the support of his family, and either die or be very long absent abroad, the other parceners or joint-tenants shall pay it."

Wagaru, § 8.—"If either husband or wife have contracted a debt to provide for the maintenance of themselves, and if either of the two die, neither the surviving husband nor wife can refuse payment on the ground that either he or she is ignorant of the debt having been contracted by him or her. Let the creditor prove the debt, and if he has done so let him have the capital but without any interest thereon."

Katyayana.—"Among persons jointly and severally bound for a debt, whoever is found may be compelled to pay that debt."

Wagaru, § 7.—"If after two persons have jointly contracted a debt with a lender, one runs away or dies, the creditor is entitled to ask the other party to make good the debt thus contracted; and he shall pay it."

Yama.—"If a rich debtor, through dishonest perverseness, pay not his debt, the king shall compel him to discharge it, and may take from him twice the sum as a fine."

Wagaru, § 4.—"If the debtor belongs to a good family, and if the creditor has proved his claim, the former shall pay twice the amount of the original debt to the latter."

Vyāsa.—"The claimant shall pay twice the sum for which he preferred a false claim."

Wagaru; section 4.—"Whereas if the creditor does not speak the truth and the defendant takes an oath to support his statement, the claimant shall pay the alleged amount."

Amongst irrevocable gifts *Daksha* enumerates "presents given "to mother, a father, a spiritual teacher, a friend, a moral man, "a benefactor, an indigent or unprotected person and a learned "man,—they are productive of benefit."

Wagaru, § 66.—“If pupils, sons, daughters, or slaves bestow a gift upon a teacher, upon parents, or upon their lord, such a gift should not be asked back and returned ; (a gift thus given) is called an offering.”

Katyāyana.—“What is received for relieving a man from apprehension of danger, or saving him from actual peril, or for promoting a matter in which he was interested, is an acknowledgment to be a benefactor.”

Wagaru, § 65.—“A person, in fear of danger, makes donations in order to ward off impending danger : in this case the property given shall not be returned to the giver. Why is this ? Because the donee has been made owner of the property (given) by virtue of his having bestowed favours.”

Inherited slaves can not, according to Nārada and Wagaru, (§ 128) of right be released from slavery : unless they be emancipated by the indulgence of their master, their servitude is hereditary.

Nārada.—“Among those who ever rescues his master from imminent danger of his life shall be released from slavery and shall receive the share of a son.”

Wagaru, § 117.—“Slaves who save the life of their masters should be liberated.”

Nārada.—“One maintained in a famine is released from servitude on giving a pair of oxen ; for what was consumed in a famine is not discharged by labour alone.”

Wagaru, § 116.—“The price of redemption for one who has become a slave on account of his being poverty-stricken shall be 15 ticals of silver, this being the price of his maintenance” (*lit.* rice-value).

Property is, in Hindu law-books, of two kinds, *immoveable* and *moveable*. In most Burmese dhammathats, the Wagaru included, property is either *animate* or *inanimate*. This distinction is found already in Buddhaghosa’s commentaries ; *saviññanako* is used for the former and *aviññanako* for the latter.

In the Pāli portion of the Native law-books these two expressions are not used, *dhāman* standing for both ; the Burmese translation, however, always give the distinction between အသက်ရှိသော်ဘုံး and အသက်ပါရှိသော်ဘုံး. *i.e.*, property animate and inanimate.

Nārada.—“He who sells a commodity and delivers it to another (unauthorized to receive it) shall also pay double the price and a fine to the same amount.”

Yājnavalkya.—Cited in the Retnācara and Chintāmani : “He shall be compelled to repay twofold a sum received as earnest.”

Vyāsa.—“By him who has given earnest and appointed no specific time for delivery, it shall be forfeited if he refuse to accept the commodity when offered.”

Wagaru, § 85.—“If the intending purchaser fails to take the goods, upon which the earnest money has been paid, on the date appointed, the earnest shall be forfeited.

“If, before the appointed time has come, a seller sells the said goods to a man other than the one from whom he has received some earnest money, double the amount of the earnest money received shall be returned to the original purchaser. Thus has the Rishi Manu decided.”

Katyāyana.—“Should a man depart after giving the nuptial gratuity it becomes the exclusive property of the damsel; she must be retained one year, and may afterwards be legally given in marriage to another.”

Wagaru, § 20.—“If the intended husband does not appear on the year, month or day appointed, the parents of the girl are free to give her to another man. Why is this? Because the terms agreed upon have been broken.”

Baudhāyana.—“Daughters shall take the ornaments of their mother given her at the time of her nuptials, and other effects, such as clothes and the like.”

Wagaru, § 73.—“On the death of the mother the eldest daughter shall receive the utensils and ornaments, such as gold flowers, &c., used by and belonging to the mother; the female slaves of her mother also fall to her share.”

Vrihaspati.—“But other sons, namely the son of the wife and the rest, shall respectively share a fifth, a sixth, and a seventh part.”

Wagaru, § 79.—“If property is to be divided among one’s own children and the adopted children of a husband and wife, and provided the children live together with their parents, the aurasa children (here used in the sense of one’s own children) shall receive five-sixths and the adopted children the remaining one-sixth of the property.”

Manu and Vishnu.—“Apparel, carriages, or riding horses, and ornaments of ordinary value, which any of the heirs had used by consent before partition, dressed rice, water in a well or cistern, female slaves, family priests, or spiritual counsellors, and pasture ground for cattle, the wise have declared indivisible, and still to be used as before.”

Wagaru, § 67.—“If sons or daughters have taken property, lands, or elephants, horses, buffaloes and cows belonging to their parents, and work them for their own maintenance, relations wishing for such property are not entitled to take it because such pro-

perty is considered inalienable. Thus has Manu, the Lord Recluse, decided."

Vrishaspati.—"Even in property simply obtained with or without a fair title, which a man has accepted and quietly possessed unmolested by another, he acquires a title; and in like manner he forfeits one by silent neglect."

Wagaru, § 18.—"A man is indebted to another; both creditor and debtor live in the same place. If the creditor does not demand the money back and has not been heard to say for three, ten, or thirty years that such and such a debt is due to him, he shall forfeit his claim."

Nārada.—"On the death of the father let sons divide his estate, and let daughters share the wealth of their mother."

Wagaru, §§ 71 and 73.—"On the death of a father his aurasa son shall get the personal belongings of the father. On the death of the mother the aurasa daughter shall receive the utensils, ornaments, such as gold flowers, &c., used by and belonging to her mother; the female slaves of her mother also fall to her share." (The remaining property goes by three-fourths to the father and one-fourth to the aurasa daughter and the other members of the family.)

Vishnu.—"The fine for every one of many persons beating one shall be double of that declared (for a single offender)".

Wagaru, § 153.—"If a man strikes a woman or an elder, the compensation shall be double the amount (paid for ordinary beating); likewise, if he strikes an elder or if two men beat one."

Yājnavalkya.—"The man who causes pain (to another) with a stick or the like, without shedding blood, shall be fined thirty-two panas; double that sum if blood be shed."

Wagaru, § 149.—"If a low born man strike a man so that an ear is severed, 30 ticals of silver must be paid; if the part struck be the mouth or the ears, the compensation is 15 ticals of silver. If any part of the body be beaten till the skins is cut and the blood issues, the compensation shall be 30 ticals of silver."

There are indeed very few passages in the *Wagaru* which are not clearly and distinctly Hindu law as contained in *Manu* and other ancient codes. A marked difference, however, distinguishes the Dhammathat of the Talaing king from the Hindu Sāstras; the total absence, namely, of all that appertains to the Vedic and Neo-brahmanic cultus. The *Wagaru* mentions neither Brahma, nor the Vedas, nor the sacerdotal class and its innumerable rites and privileges, nor the sacrificial fire or any other point bespeaking the influence of Brahmans and the religious and civil institutions peculiar to brahmanic India. The absence of the

religious element characterizes the Wagaru ; it is a civil code which punishes every crime or offence, from murder to petty theft, with fines ; it knows no expiation by offering or sacrifice, no purification by ablutions, and ignores religious penance ; in short, crime is not treated as a moral delinquency ; a murderer does not atone with his own life for the evil deed committed—he only compensates society, by paying a fine, for the loss of one of its members ; the amount of compensation is proportioned to the means of the murderer and to the rank and wealth of the person killed. "If a person be beaten to death the compensation shall be equal to the amount of property possessed by the deceased" (Wagaru, § 150). To beat to death a Rahan costs 100 ticals of gold ; a commander-in-chief, 400 slaves ; to cause the death of a first grade nobleman must be compensated by giving 300 slaves to the deceased's family ; while only 80 slaves are given when the man killed was a fourth grade nobleman (*see* Wagaru, chapter XV). Thirty ticals of silver compensates for adultery amongst common people ; for the same offence with the wife of a slave, one slave must be given, but 20 slaves if she is the wife of a nobleman, and 40 if the wife of a royal minister (Wagaru, § 53). A man may call another a wizard, on paying 30 ticals of silver ; but the person thus accused is fined 100 ticals if, to prove the falsity of the imputation, he undergoes the ordeal by water and loses. Only when low-born or poor people commit offences against persons of high rank or against priests, they are made to suffer by having their hands, feet, lips or tongue cut off, or by being banished. But these punishments are inflicted because a poverty-stricken individual cannot pay fines, and his lips are cut off not so much to punish him for drinking out of the goblet used by a man of high rank (*see* Wagaru, § 164-166) but to render a repetition of the act physically impossible ; or he may be banished, not by reason of being a reprobate, but because his penury cannot compensate the society in which he lives for his mischief gratuitously exercised.

The spirit which pervades the Hindu law and the Wagaru gives to the two sets of law a radically distinct complexion, their kinship notwithstanding. In the latter the direct religious element is almost absent, but its peculiar nature is nevertheless the result of a religious tenet, and that tenet is the Buddhist Karma, or "the efficacy of good and bad works, being inseparably "bound up with that of transmigration or renewed existence. "Every being who is not immediately qualified for Nirvāna by the "attainment of arhatship is necessarily reborn after death in "another world, and what that world is, and his state therein, "depends on his Karma or actions in previous existences.

" Broadly stated, the doctrine is that the present condition of every " sentient being is determined by the aggregate of its actions in " previous states of existence. Sometimes a good or bad action " meets with its appropriate reward immediately, and in the same " existence, sometimes in the next existence; but its consequences " may be indefinitely delayed, and an action performed countless " ages ago may be working for a man's good or evil at this moment. " The actions of a being are the cause of its rebirth, and conse- " quently of its continued existence, and hence the whole existing " universe of sentient beings has its origin in Karma. The " cessation of existence can only be obtained by the destruction " of its cause, Karma. A Buddhist who has passed through " misfortune or suffering looks upon it as so much gain, as he " has thus worked out so much of the evil Karma accumulated " on his former existence." (Childers' Pali Dictionary under *Kamma*.)

It is the Buddhist conception of Karma which led Buddhist princes in India to abolish capital punishment. A state or a society which professes a religion, which knows no atonement or the expiating power of sacrifice or penance, in which every individual suffers individually for the evil or good performed by him, where, beyond the *ego*, no agency, human or divine, has the power either to damn or save, cannot punish crime or offence as a moral transgression but only inasmuch as an act affects the security and well-being of the society or state. A man-slayer may die for his deed by the order of the king; however, the former loses his life, not on account of that particular murder, but he is doomed, owing to another evil deed committed in a former existence, to have his head chopped off during five or ten successive existences, to end so many existences by being drowned or killed in battle; for the murder he will suffer in some future existence after the due expiration of the sentences pronounced and inflicted by his only judge and arbitrator, *Karma*. The king has merely been the tool in the hands of Karma, and he himself will in future suffer the misery resulting from manslaughter. The Mataka Bhatta Jataka (Rhys David's Translation, page 226) may with advantage be cited in the illustration of the above.

"Once upon a time when Brahma-datta was reigning in Benares a Brahman, a world-famous teacher, accomplished in the three Vedas, had a goat brought with the intention of giving the Feast of the Dead, and said to his pupils :—

“ ‘ My lads ! take this goat to the river and bathe it, and hang a garland round its neck, and give it a measure of corn, and deck it out, and then bring it back.

" ' Very well,' said they, and accordingly took it to the river ; and when they had bathed it, and decorated it, let it stand on the bank.

" The goat, seeing in this the effect of his former bad conduct, thought to himself, ' today I shall be free from that great misery,' and glad at heart, he laughed a mighty laugh in sound like the crashing of a jar. Then thinking to himself, ' this Brāhmaṇa, by ' killing me, will take upon himself like misery to that which I had earned,' he felt compassion for the Brāhmaṇa, and wept with a loud voice.

" Then the young Brāhmaṇa asked him, ' Friend, goat, you have ' both laughed heartily and heartily cried. Pray, what is it makes ' you laugh, and what is it makes you cry ?'

" ' Ask me about it in your teacher's presence ' said he.

" They took him back, and told their teacher about this matter. And when he had heard their story, he asked the goat, ' Why did you laugh, goat, and why did you cry ?'

" Then the goat by his power of remembering former births, called to mind the deeds he had done and said to the Brāhmaṇa, ' Formerly, O Brāhmaṇa, I had become just such another Brāhmaṇa, a student of the mystic verses of the Vedas, and determining to provide a Feast of the Dead, I killed a goat, and gave the feast. By having killed that one goat, I have had my head cut off in five hundred births less one. This is my five hundredth birth, the last of the series, and it was at the thought ' today I shall be free from that great misery,' that I became glad at heart and laughed in the manner you have heard. Then again I wept thinking I who just by having killed a goat incurred the misery of having five hundred times my head cut off, shall be released today from the misery, but this Brāhmaṇa by killing me will, like me, incur the misery of having his head cut off five hundred times, and so I wept.'

" ' Fear not, O goat ! I will not kill you,' said he.

" ' Brāhmaṇa ! what are you saying ? Whether you will kill me or not, I cannot today escape from death.'

" ' But don't be afraid ! I will take you under my protection, and walk about close to you.'

" ' Brāhmaṇa ! of little worth is your protection ; while the evil I have done is great and powerful.'

" The Brāhmaṇa released the goat and saying ' let us allow no one to kill this goat,' he took his disciples and walked about with it. No sooner was the goat at liberty than stretching out its neck it began to eat the leaves of a bush growing near the ridge of a rock. That very moment a thunderbolt fell on the top of the rock, and a piece of the rock split off and hit the goat on his

outstretched neck, and tore off his head. And people crowded round."

"At that time the Bodisat had been born as the genius of a tree growing on that spot. By his supernatural power he now seated himself cross-legged in the sky in the sight of the multitude and thinking 'would that these people, seeing thus the fruit of sin, would abstain from such destruction of life,' he in a sweet voice taught them uttering this stanza—

' If people would but understand
That this would cause a birth in woe,
The living would not slay the living ;
For he who taketh life shall surely grieve !'

Thus the Great Being preached to them the Truth, terrifying them with the fear of hell. And when the people had heard his discourse, they trembled with the fear of death, and left off taking life. And the Bodisat preaching to the people and establishing them in the precepts passed away according to his deeds. The people, too, attending upon the exhortations of the Bodisat, gave gifts and did other good deeds, and so filled the city of the gods."

As it is with murder so it is with every other crime or offence; the Wagaru demands compensation, which is proportionate to the amount of damage occasioned to a person by the act of another. Morally no punishment can be inflicted, because in the Buddhist's belief every deed will with unerring certainty bring its own definite reward or punishment, which cannot be increased or diminished by the appreciation or condemnation of other beings.

It is, I think, surrounding the earliest Dhammathats of Burma with unnecessary difficulties in treating them as translations of brahmanic Sanskrit texts: there is no ground for such treatment. It is far more reasonable to assume that the Wagaru adopted in Martaban and the Dhammavilāsa promulgated at Pagan are the remnants of Buddhist civil codes, which emanated from a Buddhist Mānava school in India, which probably utilized the same sources as law writers of the brahmanic period prior to the tenth century. The Wagaru says (§ 195): "This translation (that is, the Talaing translation made from as yet unknown sources) is based on the rules contained in the Manu Dhammathat." The material must have existed in Rāmaññadesa before the conquest of Anawrahta (eleventh century), for else the Burmese conquerors would have had no occasion to utilize, in preference to Burmese monks, the services of Talaing priests, such as Dhammavilāsa, in preparing codes of law for his dominions. If a Manudhammathat had then or subsequently been introduced from India, we would certainly find some intimation to that effect in Talaing or Burmese records:

but such is not the case. On the other hand, if a Buddhist Mānava school of law had existed in Southern India or Ceylon, and attained to any fame or general recognition among Buddhists in India, Buddhaghosa, Dhammapāla, Vajirabuddha and Buddhadatta would not have failed to notice the fact in their commentaries and tikas, and could not have avoided speaking of "Manu" in commen-tating the Aggañña Sutta contained in the Dighanikaya Suttapitakam, which treats of the creation of the world and of Mahāsammata, the first ruler of the Mānavas in the sense of "mankind," "man," if the myths and traditions of their time had already individualized a "Manu," the lawgiver. The modern Burmese law books connect *Manu* and *Mano* with the "mānava" of the Aggañña Sutta, but this they do without the authority of the great commentators and scholiasts who lived in the fourth, fifth, and sixth centuries after Christ. Further researches will probably fix the seventh, eighth, and ninth centuries as the period of the rise and development of the Buddhist law of Manu, if the surmise proves to be correct that such a school existed in India.

After the invasion of the Chinese and the Shan interregnum, which terminated at the close of the fourteenth century, the centre of religious life and strife shifted from Pagan, Ava, Zit-Kaing and Pan-ya in Arimaddhanadesa to Martaban and Hamsavatī (Pegu) in Rāmaññadesa. It has already been mentioned that Dhammadvīlāsa represented the Paccāsangha-sect in the dominions of the Talaings; the Paccāsangha was also known as the Sihalasangha. Those priests in Rāmañña, who claimed to be successors of Sona and Uttara, formed a sect of their own and were known as the Ariyārahantas.

Towards the close of the thirteenth century another sect sprung up in Lakkhiyapura, the modern Lakkyā or Lagya, a Shan principality north of Monai and the name of its principal town. A therā named Bagāsa, reputed for his learning, lived in a mona-stery near the mouth of the Banga river (?); close by was a colony of Cambodian prisoners, who had been captured in the war which the Shans, who were at that time also the masters of Pagan, carried on with the Cambodians; these captives lived on public charity in sheds or zayats erected for them; these sheds were called the Kambojāpana; the monastery close by, the Kambojāpana-vihāra; the priests who inhabited it, the Kambojāpanavihāratheras; and the sect which they originated and propagated throughout Lagya and Rāmañña, the Kambojasangha.

A Talaing nobleman and a devout Buddhist named Sirijaya-vaddhana, a resident of Dałanagara (Dala, opposite Rangoon) erected monasteries and invited the numerous followers of the

Kamboja sect in Rāmañña to take possession of them. The Kambojatheras differed but little in their tenets from the Aryārahantas ; they effected a union with the latter, and both were designated collectively either Ariyārahantas or Kambojatheras.

The Kambojatheras, Ariyārahantas, and the members of the Paccāsanha split, during the fourteenth and fifteenth centuries, into numerous sects. In Martaban alone there were not less than six—

- (1) the Kamboja sect,
- (2) the Sihalasangha of Sivalithera,
- (3) the Sihalasangha of Tāmalinda,
- (4) the Sihalasangha of Anandathera,
- (5) the Sihalasangha of Buddhawamsathera, the tutor of the Queen of Martaban (Muttimanagara) ; he had received uposampada in Ceylon, and after his return constituted with his followers a separate community,
- (6) the Sihalasangha of Mahāsāmi and Mahānāga, two priests who had sojourned in Ceylon, where they received ordination ; they also formed a distinct sect when returning to their country.

These sects had their followers throughout Burma and Pegu. The difference between the first, fifth, and sixth sects arose chiefly from the views which they held with regard to what constituted a valid uposampada, or ordination. The priests who had received their ordination in Ceylon excluded from their communion priests ordained in Pagan or Rāmañña ; they maintained that the simās, (edifices where uposampada is performed) were not duly consecrated, that the probationers possessed not the necessary qualifications, and that the priests elected to perform uposampada were not sufficiently observant of the rules prescribed in the Vinaya. Budhavamsa and his followers declared uposampada performed in Rāmañña void *ab initio*, because the succession of theras had been interrupted since Sona and Uttara, and the rivers, lakes, and water reservoirs in that country possessed not the proper lakkhanas (characteristics) to allow any sacred service to be held in or near them.

For the purpose of our essay it is not necessary to enter into the details of these endless squabbles and petty sectarian strifes ; they must, however, be pointed out as the chief cause of the dearth of literary productions of any kind during the fourteenth and the first half of the fifteenth centuries ; the time and power of the Buddhist clergy was spent in unprofitable quarrels, in mutual excommunication, and in sullen segregation.

With the ascent of the Peguan king Dhammadetī about 1473 A. D. this state of affairs was changed ; he resolved, like Asoka and Parakkamabāhu before him, to purify the religion ; he sent 22 well reputed priests, with as many probationers to Ceylon, there to be duly ordained by the priests of the Mahāvihāra. Their former ordination was rescinded, and on being reordained changed, as is the custom, their old priestly names for those given to them by the theras of Lanka. Buddhawamsa, the tutor of the queen of Martaban, and the leader of an influential sect (see page 64) was one of the deputed priests ; he returned as *Culla-Buddhaghosa*, to distinguish him from Buddhagosa, the great commentator ; but in Rāmañña the diminutive *culla* (small, little) was dropped and he was called by himself and others simply Buddhaghosa. This priest has subsequently been confounded with his great namesake by European as well as modern Burmese writers. I may repeat it here as instances (see my "Notes" on the Shwe Dagōn Pagoda) of the short-lived historical memory of the Burmans and Talaings :—

"The celebrated jurist Buddhaghosa lived at the close of the 15th century A.D. His career was similar to that of his still more renowned namesake, Buddhaghosa, the commentator who lived in the fourth century after Christ. Both went to Ceylon to study the Buddhist scriptures and both returned thence to Rāmaññadesa (Burma). But at present the jurist has ceased to exist in the memory of the Burmans as a separate individual ; he has been merged with the theologian into one personality, and hence we find in native records that 'the great teacher Buddhaghosa went to Ceylon to study the scriptures and to write commentaries thereon ; he brought not only the sacred books to Rāmaññadesa, but also the law book known as the 'Manu Dhammasattham' ; he was learned in both the divine and secular law.' The jurist Buddhaghosa only translated the Talaing Manu into Burmese, but it has much gained in sanctity and importance by having become connected with the greatest divine of the Buddhist church, who, however, antedates the said translation by 11 centuries."

Two other Dhammathats are in modern Burmese records mentioned as having been composed during the period falling between the Talaing Wagaru and Buddhaghosa's Burmese translation of the same ; the one is the *Manulankadhamma sattham*, apparently a poetical version of a "Manu," the other the *Pāsūdadhammasattham*. All endeavours notwithstanding I have not as yet succeeded in finding these works.

*Warou's
Manu
tr. by
Buddhagosa*

After the return of Buddhaghosa and his confrères, Dhammaceti erected the Kalyānisīmā (still existing in Zaingganaing near Pegu); he made an end to the numerous sects by compelling the priests in his dominions to resort to the new Simā and be re-ordained by the chapter of Bhikkhus returned from Ceylon; the monks who refused to obey this order were excluded from the Sangha and forfeited the right to wear the yellow garb; many were banished. Dhammaceti thus purged the church of impurities and effected its unity.

Up to this period the literary language of the Talaings and Burmans was generally Pāli. A new impetus to learning resulted from the liberality with which the rulers of Hamsavatī and Ava supported monastic institutions. The vernaculars began to be cultivated, a few translations from Pali texts into Burmese already existed; Nānavara prepared the way by rendering the Abhidhānappadipikā (the lamp of nouns) into Burmese; at the beginning of the fifteenth century the Ava priest Aggadhammadālankāra wrote the Saddanissaya; Silavamsathera the Nettinissaya, and at the close of that century translations of Kaccayana's Pāli grammar and Vimalabuddhis Mukhamattadipani were written in the Dakkhina monastery at Ava. In the year 1453 A.D. the thera Silavamsa (also known as Maung Nyo), the author of the Nettinissaya, wrote the first poetry in the Burmese idiom; he composed the songs known as the တောင်္ဂီးလား in glorification of the town in which he was born; the တိတားဦးတည်ပရိယောက်ဖော်ဘွန်း, the သမောကထာဆတောင်းသုံး, and the ဂါရိဝါယားကိုဖြည့်ရနိုကြေားအောင်း. A few years later 1468 A.D. the thera Ratthasāra (also called Maung Mauk) of Ava wrote a few lyrics and poetical versions of Zats (Jātaka), namely,—

- (1) ဘုရိုဝတ်ဇာတိတော်ဘုံး.
- (2) ဘုရိုဝတ်ဇာတိပေါင်းး.
- (3) သံဝရဘုံး.
- (4) ဟလိုပါယောတိဘုံး၏နှင့်သက္ကား.
- (5) ဂုတောင်နိုင်သက္ကား.
- (6) ထိတားဦးတည်ပေါ်ဖော်ဘွန်း.

In the first half of the sixteenth century the တောင်သီယာပိုဂျိုလ် ကျော်ယော် composed the first metrical version of the Vessantarajātaka, known as the ခေသာတဲ့ရူးယော်း.

In 1508 A.D. the Ava priest Candamañjū wrote the သေသားရွေေးနိုင်တော်ဘုံး in commemoration of Yasodharā, the priestess, the wife of Gotama before he became Buddha; in 1510 and the following years the thera Aggasamādhi appeared with the metrical compositions knowns as

- (1) ခုံးဘုံး၏သွေးဘုံး based on the Nemijātaka.
- (2) ခုံးဘုံး၏ခေါ်ဘုံး do.

(3) නේමිජාතක: based on the Nemijātaka.
 (4) සුවන්සාජ්ංග: based on Suvannassa Jātaka.
 (5) සුවන්සාජ්ංග: මූල්‍ය:පරිවර්තන: do.

Of Pāli works written at the close of the fifteenth and the beginning of the sixteenth centuries we note the following :—

- (1) Lokadipakasāra, by the priest Medha of Muttimana-gara (Martaban).
- (2) Madhusārattadipani, a grammatical work by the priest Mahānanda of Hamsāvati (Pegu).
- (3) Kavisāra, a scholium to the Vuttodaya, by Dhammānanda of Hamsāvati; a tīkā to this work was written by Dhammadabuddha, also of Pegu.
- (4) Pattharāsadipani, also a grammatical work by Sad-dhammālankāra of Hamsāvati.
- (5) Lokadipani by Patūgyisangharāja of Ava.
- (6) Manisāramāñjusa, by Ariyavamsa of Ava.
- (7) Manitipa, do. do.
- (8) Jatakavisodhana, do.
- (9) Gandhabharanatikā, do.

At Zimmè the following works were written by Shan priests:—

- (1) *Mangaladipani*, on Buddhist ethics by Saddhammacakkasāmī.
- (2) *Visuddhimaggadipani* in illustration of Buddhaghosa's *Visuddhimaggo*, written by Uttamarāma.
- (3) *Mangaladipaka* on Buddhist ethics, by Sirimangala.
- (4) *Uppatasandhi* by the thera Bagāsa (see page 63.) An Arakanese priest, known as the Mahāsangharāja, wrote the အသကာဇာရုံးပေး in Burmese; it is a book of instruction on secular matters intended for children.

The therā Nevarabbhisanghanātha wrote the Burmese Manikundalavatthu. A Taungphilā priest of the Anaukkyauṅ composed the Sattarājavatthu and the Vessantarapyo, both in Burmese.

In the year 1580 the Toungoo monarch Zinpyumyashin adopted the Wagarudhammathat as translated by Buddhaghosa; the Wagaru appears now for the first time under the title of Manusāra which forms the basis of Kyaw-din's (1772 A.D.) renowned code known as the Manu Sāra Shwe Min. The same monarch is credited with the compilation of the Dhammathatkyaw, and the Ko-zaung-kyōp, or "Digest of Nine Dhammathats." This code claims to be based upon the following law books: Manudhammasattham, Manodh, Manussikadh., Tityādh., Dvattarājadh., Jālidh, Pāsādadh., Dhammadvilāsadh., Kittidh., Manusāradh., Manosāradh., and the Abhinnadhammasattham. The greater

number of these Dhammathats are now no longer procurable. The Ko-zaung-kyôp mentions at the close of each ruling the authority for the same ; the Dhammadvilâsa and Manusâra (Wagaru) are most frequently alluded to and it is evident from the quotations that the former is in the main identical with the latter ; the new code varies but little from the Wagaru, but the language, in both the Pâli and Burmese texts, is more correct and elegant ; the Wagaru is printed without any alteration from a manuscript dated 1706 A.D., and many of the mistakes in it may be attributed to the copyists ; but the wording of the Ko-zaung-kyôp is often nearly identical with that of Buddhaghosa's version and the errors of the latter can be corrected from the former.

The Ko-zaung-kyôp, or Navadhammasattham, also recognizes the eighteen branches of law ; they are arranged in the following order :—

- (1) Inamdhamma, the law of debt.
- (2) Gharâvasam Kammadhamma, the giving and taking in marriage.
- (3) Dinnâyadhamma, the rules regarding gifts.
- (4) Ambhütadhamma, the law of gambling.
- (5) Dhanasandhakam, deposition (or loan) of property.
- (6) Dhanabandha, the law of mortgage.
- (7) Kinivikinito, the law of purchase and sale.
- (8) Dâyajjadhamma, the law of inheritance.
- (9) Paradâsadhamma (*sic*), the law of divorce and adultery.
- (10) Dâsakhammadhamma, the law about slaves.
- (11) Patidhamma, the law on hiring for wages.
- (12) Khettasaññadhammam, the law on demarcation of land.
- (13) Pothadanda, the law of assault.
- (14) Paracoradhamma, the law of theft.

The Ko-zaung-kyôp counts only fourteen chapters, yet it concludes with the words : “Bho pandita Manudhammasatthena, mûla-atthârasasâkhâsabbavibbam vibhâgam (?) pakâsanti”—“O wiseman, here are made known all the eighteen original branches of law as distinguished in the Manudhammathat.” Occasionally a few branches are treated under one head : divorce, for instance, is found in the chapter on marriage ; the law regarding two-footed and four-footed animals is dealt with in the law of assault, &c.

The Navadhammathat gives for every rule first the Pâli (prose) and then a verbatim Burmese translation. The first section, treating of theft, contains ten rulings which correspond with §§ 17, 4, 9, 3, 11, 7, 16, 15, and 10, of the Wagaru ; the first rule in the Ko-zaung-kyôp treats of the four kinds of persons to whom loans

may be given : “ Bhonto, bahuñātisaccavacanam lajjāyam achandam catu ime inam dinnāya,” : “ persons who have many relatives, who speak the truth, who are susceptible to shame, and who are not voracious,—these four kinds of person may contract a debt.”

The Wagaru adds, after each important ruling—“ thus Manu the Recluse decided,” or “ thus it has been ruled in the Dhammathats.” The Ko-zaung-kyōp quotes, in support of its ten rules on the law of debt (against 18 of the Wagaru), thrice the Manusāra, thrice the Manosāra, twice the Dhammadvīlāsa, once the Tityādhammasattham, and seven times the coinciding authority of all the nine Dhammathats. The close connection subsisting between the two dhammathats will appear from the following comparison :—

Ko-zaung-kyōp ; ဘောန္တာ။ ဇူတ်မိန္ဒြယျ။ ကျော်
ခါဒိပျု။ ဇူတ်မိန္ဒြယျ။ သလ္ဂာန္တာ။ ပဋိဝသသအစိုး။ မိန္ဒြယျ။ ဇူတ်မှာသ
ဝန်ရကျော်ယျ။ မူလေနသမံ ဝန်ရကျော်ယျ။ ဇူတ်နဝ် ဓမ္မသတ္တန ပကာ
သတ္တိ။ ၁။ ဘောန္တာ။ ဒုဒိအချင်းတို့။ ဇူတ်သာမိက်။ မြို့ရင်သည်။ ဇူတ်။
မြို့ကိုမိန္ဒြယျ။ ချေးပေးရာ၏။ ဇူတ်ခါဒိယံ။ မြို့စားသည်။ ဇူတ်။ မြို့ကိုမိန္ဒြာ
ယာဆာပေးဆံသောင့်။ နသလ္ဂာန္တာ။ မတတ်ရှင်သည်ဖြစ်။ ပဏ္ဍဝသတ္တိ။
ငါးနှစ်ထည်းကောင်း။ ဒသဝသတ္တိ။ ဆယ်နှစ်ထည်းကောင်း။ အစွဲးရှိသည်
ဖြစ်၏။ မိန္ဒြယျ။ ချေးပေးသောမြို့ရင်သည်။ မာသာဝန်း။ အတိုးအစွဲးဟူ၍။
နရကျော်ယျ။ မယူရာ။ မူလေန။ အရင်းနှင့်သမံး။ အမျှောင်း။ အတိုးအစွဲးကို။
ရကျော်ယျ။ ယူရာ၏။ ဇူတ်။ မြို့သို့။ နဝ်ဓမ္မသတ္တန။ ကိုးစောင်သောဓမ္မသတ်
ကျော်၌။ ပကာသတ္တိ။ ထင်ရှားမြှင့်၏။

Wagaru, § 3 : မဟာရာဇ်မြတ်သောမင်္ဂလား။ တေသုံးထိတဆယ့်
ရှစ်နှင့်သောတရားတို့တွင်။ ပထမံး။ ရေးဦးစီးဗျာ။ ဇူတ်ကော်။ မြို့ချေးသောတ
ရားကို။ ရွှေတော်။ ဆိုပေါ့။ ၂။ ယော်။ အကြောင်သူတို့သည်။ ဇူတ်။ မြို့ချေးခြင်
ကို။ ကရောထိုးမြှင့်။ ယော်။ အကြောင်မြို့စားသည်။ မိန္ဒြယျ။ ပေဆာပုံးသောင့်။
နသလ္ဂာန္တာ။ မတတ်ရှင်ကုံသည် ဖြစ်၍။ ပဋိဝသသတ်။ ငါးနှစ် လည်း
ကောင်း။ ဒသဝသသတ်။ ဆယ်နှစ်ထည်းကောင်း။ အစွဲးယတာ။ ရှိသတ်။
ဇူတ်သာမိက်။ မြို့ရင်သည်။ မာသာဝန်း။ လတိုးအစွဲးဟူ၍။ နရကျော်ယျ။ မယူ
ရမြှေ့။ မူလောယာ။ အရင်းနှင့်သမံး။ အမျှောင်း။ အစွဲးကို။ ခါးခေါ်ယျ။ စားရာ၏။
ဇူတ်။ မြို့သို့။ ဓမ္မသတ္တန္တာ။ ဓမ္မသတ်ကျော်၌။ ပကာသတ္တိ။ ထင်ရှားမြှင့်၏။

The second chapter treats in 15 sections of giving and taking in marriage and of divorce, corresponding with chapters 2 and 3 of the Wagaru ; § 1 of the Ko-zaung-kyōp corresponds with § 27 of the Wagaru ; 2 with § 29 ; 3 with § 30 ; 4 with § 20 ; 5 with § 32 ;

8 and 9 with § 33, 10 and 11 with § 42, 12 and 13 with §§ 34, 35, 36 and 37; 14 with § 25, and 15 with §§ 23 and 24.

The Ko-zaung-kyōp does not allude to the seven kinds of wives and the six kinds who may be put away (see Wagaru, §§ 38-41); ground for abandoning a wife is repeated disobedience to the desires of her lord; the five kinds of longing (Wagaru, §§ 34-37), the six evil practices, and the four kinds of pride in women are mentioned but not specified as in the Wagaru; the length of time imposed upon a wife for waiting for her absent husband is not adverted to in the Ko-zaung-kyōp.

The chapter on gifts is chapter 5 of the Wagaru somewhat abbreviated but otherwise identical; § 68 of the Wagaru is omitted in the Ko-zaung-kyōp.

The law on gambling is almost verbatim the same as chapter XI of the Wagaru.

The Ko-zaung-kyōp introduces the chapter on deposits with a passage not contained in the Wagaru: Bhonto, saccavacanam lajjālobhanam (*sic*) iti ime dhanam karoti, which in the Burmese Nissaya is translated as "O Lord, to persons who speak habitually the truth, who are sensible to shame and who are not rapacious, deposits may be made." The Hindu Manu (see chapter VIII, v. 179) begins this title of law with a similar clause: "A sensible man should make a deposit with some person of high birth, and of good morals, well acquainted with law, habitually veracious, having a large family, wealthy and venerable." Otherwise this section is the same as chapter VIII of the Wagaru. The Ko-zaung-kyōp adduces as authorities the Manusāra, the Kittidhammadhat, and four times the Dhammavilāsa; the latter must have closely resembled the Wagaru in contents and the arrangement of the material.

The section treating of pledge of property differs considerably from the Wagaru; it contains only two rulings: "If a man has pledged live-stock (the Pāli here uses the expression *jiviya* for 'animate') such as slaves, elephants, cows, horses, the offsprings of such living beings should be made over to the original owner: the pledgee has no right to claim them." As authority for this ruling, the Ko-zaung-kyōp quotes the Manusāra and the Dhammavilāsa. The second clause runs thus: "If animate property and inanimate (called *nijivam* in the text) things are pledged, and if any of the former is lost through death, the pledgee must make good the loss; a man shall not say that property pledged to him has been lost; he shall restore it to make good its loss after the expiration of the term for which it has been pledged."

The law of purchase and sale as laid down in the Ko-zaung-kyōp contains only § 85 of the Wagaru.

The law of inheritance, as set forth in the Ko-zaung-kyôp contains a few clauses not contained in the Wagaru. It begins with the statement, "that no division of the estate can be made or "any part of it claimed as inheritance without the consent or wish "of the parents." Dvattarâja (king Dvattaboung of ancient Prome about two centuries B. C.) is mentioned as the authority. Should the parents consent, sons and daughters can inherit during the lifetime of the father and mother. The chapter contains 14 rulings, the second corresponds with § 71 of the Wagaru ; 3 with § 72 ; 4 and 5 with § 78 ; 6 with § 76 ; 7 with § 78 ; 8 with § 75 ; 9 with § 80 ; 10 with § 79 ; 11 and 13 with § 82. Section 12 rules that he who feeds and supports a stranger, or administers medicine to him to cure him of a disease, inherits whatever the stranger possesses, should he die in his house ; only his jewelry or ring goes to the Rahans living in the monastery in the place. This clause appears in all later Dhammathats and is the first instance in Burmese Talaing law-books of the introduction of a precedent taken bodily from the Buddhist scriptures. The Manu Kyay (page 299) gives the rule and the story from which it is deducted : "If a person who is not related assist in life, and at death bury another, the law as to the partition of the property "of the deceased between this person and his parents and relations "is this : If any person being sick shall be assisted by another who "is not related to him, and dying in the hands of this person, he "shall bury him, let him take all the property in the possession of "the deceased ; his parents, children, or relations, shall have no "claim. Thus the lord hermit said.

"That no person having property with the deceased shall recover it is shown by this precedent : In former times the son of a man of the wealthy class having become a Rahan, concealed a ruby ring, which he had received from his parents, worth 100,000 ticals, in the hem of his priest's garment and went to a far country where he took up his abode in the convent of another Rahan, and there fell sick ; this Rahan assisted and administered medicine to him, but the influence of former deeds extended no further, and he died ; the Rahan of the convent got his ruby ring. After the funeral the rich man, his father, came and inquired of the Rahan saying, 'Did you get a ruby ring, worth 100,000 ticals, which was in the possession of my son ?' The Rahan who had assisted him in his illness and at death put his bones in the earth, replied that he had got it. (Whereupon the rich man said) 'My lord ought not to keep the ruby which is worth 100,000 ticals, which was in the possession of my son, it was my property, and ought to be restored to me.' The Rahan, the master of the

conventsaid, ‘the person who assisted and who buried him ought to have it,’ (thus the lord of gods decided.) The person who assists another in sickness and buries him at his death, has the right to his property, and thus the rich man did not obtain it (the ring). This is a precedent.”

Section 14 of the Ko-zaung-kyôp rules: “If sons and daughters are given in marriage and at that occasion have been presented with gold, silver, buffaloes and cows, such presents the wife inherits, if her husband dies; and similarly if the wife dies, the husband inherits such property. The parents shall not have a right to say ‘our daughter is dead, return us the presents given.’ On the death of the husband, the wife inherits the estate, or if the wife dies, the husband inherits.” Section 13 adds the clause: “A son who has been given to others (the dattaka of brahmanic law books) is not entitled to inherit property which belonged to his real parents. That son who attends to his parents’ business, great and small, shall inherit, even though he be the youngest. It shall not be said ‘he is the youngest;’ his rights to inheritance goes in the case mentioned before that of the aurasa son.”

The Ko-zaung-kyôp does not mention the division of the inherited property into ten portions (§ 72 of the Wagaru); also not the division of heritage among the four classes of wives (§ 81 of the Wagaru) and their respective sons, and the twelve different kinds of sons (§§ 83 and 84 of the Wagaru).

The same chapter treats, in ten sections, of adultery, §§ 1 and 2 corresponding to §§ 50 and 51 of the Wagaru; but the Ko-zaung-kyôp adds, that only the king ought to exercise the power of killing an adulterer when caught in the act; 3 corresponds with § 49; 4 with § 54; 5 with § 55; 6, 7 and 8 with §§ 55 and 56; 9 and 10 with § 54 of the Wagaru. Sections 53 and 57-62 of the Wagaru are wanting in the Ko-zaung-kyôp; it may be mentioned that the latter frequently calls the wife a slave. In the chapter on slaves, section 1 agrees with § 121 of the Wagaru; 2 with § 144; 4 with § 116; 5 with § 122; 6 with § 116; 7 and 8 with § 137; 9 with § 139; 10 with § 138; 12 with § 116; 13 with § 140. Section 3 contains the ruling that if a person pledges a slave, no fault can be imputed to the original owner if the slave falls sick in the pledgee’s house and not being provided with medicines and proper food, dies (comp. Wagaru § 91). Section 6 adds the clause that the master of a slave should always accept the price of a slave, if it be offered, and set the slave free; he should not take more than was originally paid for the slave, but remember his own impermanence (*aniccam*). This is another instance showing the gradual infiltration of a direct religious and buddhist element into Burmese-Talaing Dhammathats.

To take more for a slave than the original price is not only considered usury, but the offender will himself be re-born as a slave ; the text implies the threat, " Remember that also you must die, and what your fate will then be."

Section 11 of the Ko-zaung-kyôp declares that if a slave runs away within seven days from the date he was purchased, the person from whom he has been bought shall return the price received for the slave. If a slave falls sick within ten days of his having been purchased, his former master shall not refuse to take him, should the slave desire to return to him.

The law regarding the fourteen kinds of slaves (Wagaru, § 115, and also §§ 114, 117, 118, 119, 120, 123—136, 140—143 of the Wagaru) are not continued in the Ko-zaung-kyôp.

The chapter " On hiring for wages " counts five sections, which correspond with §§ 99, 100, 101, and 102 of the Wagaru ; §§ 103 and 104 of the Wagaru are wanting in the Ko-zaung-kyôp. Under the head of " Division and boundaries of land " only two sections are given, namely, those corresponding to §§ 171 and 172 of the Wagaru ; 168, 169, and 170 are not given in the Ko-zaung-kyôp.

Next follows, in 18 sections, the chapter on assault and disrespectful behaviour ; § 1 corresponds with § 153 of the Wagaru ; 2 and 3 with § 154 ; 4 with § 159, 7 with § 166, 8 with § 165, 9 with § 164, 10 with § 167, 11 with § 160, 12 with § 156, 13 and 14 with § 155, 15 with § 151, 16 with § 150, 17 with § 152, and 18 with § 149. Section 5 ordains that a low person using insulting language towards a man of respectability shall be condemned to remove the excrements of elephants or ponies. Section 6 rules that any person neglecting to pay the honour due to the father or mother of a venerable person of high rank should be fined 100 ticals of silver. At the end of the chapter is a clause stating that a debt is forfeited if the creditor has not reminded the debtor of it for 10 or 30 years (comp. Wagaru, § 18).

The last chapter treats of theft in two sections, corresponding to §§ 174, 175, and 176 of the Wagaru ; the work finishes without the usual postscript.

The Ko-zaung-kyôp has not been printed and manuscript copies are not often met with. I have here pointed out where it agrees with the Wagaru and where it differs from it, or contains additional matter ; so the reader will, with the aid of the Wagaru, be able to obtain a detailed knowledge of the contents of the Ko-zaung-kyôp, or Navadhammasattham.

The book has in this essay probably received more attention than its intrinsic value would appear to justify. It must, however,

be remembered that it was compiled when Zinpyumyashin had become lord of Toungoo, Prome, Hamsavati, and Arakan ; it is reported that he appointed a commission, consisting of a number of learned priests and noblemen from the different parts of his empire, to frame authoritative codes of law for the country. The Dhammathat Kyaw and the Ko-zaung-kyôp are the results ; the latter is of great importance, because it mentions by name the law books from which it was condensed ; it is reasonable to assume that Dhammathats were selected which were in force, or at least generally recognized, in the different provinces which constituted the king's dominion ; for each ruling the Ko-zaung-kyôp adduces separately the Dhammathats which give it authority ; the Dhammavilâsa, the first law book in Burma, the compilation of which is historically recorded, is most frequently mentioned ; this work, with six others alluded to in the Ko-zaung-kyôp has not yet been found, but we know from the latter what their contents must have been. Ko-zaung-kyôp means "A compendium or abstract of the nine (law) books ;" and the rulings of this epitome are, as has been shown in the preceding pages, almost identical with those of the Wagaru : even the amount of fines is the same in both texts. It cannot, therefore, be open to doubt that the law as set forth in the Wagaru and Ko-zaung-kyôp was the law which Anawratha found existing in the conquered coast provinces of Burma in the eleventh century, which in the shape of the Dhammavilâsa (see page 35) his successor adopted for Pagan, which king Wagaru revised in the 13th century, king Dhammaceti in the 15th, and Zinpyumyashin at the close of the 16th century, who found it to be the law generally recognized throughout his dominions, and gave it increased force by officially adopting it.

With the Ko-zaung-kyôp terminates the first period of the known history of the Burmese-Talaing Dharmasâstras ; it is the adoption, by the Burmans, of an extraneous body of law, and the popularizing of this law by means of translations into the vernacular. No alterations of any importance had hitherto been introduced. The next important step in the development of the Burmese law literature is the promulgation of the Mahârajadhammasaththam, about the year 1650 A.D. This law book is really the first Burmese Dhammathat, in which the compiler attempts to break with the traditional Manu accepted or adopted without scrutiny by preceding generations of his countrymen.

Since the appearance of the Ko-zaung-kyôp until the middle of the 17th century the political division of Burma had never been constant owing to the incessant warfare carried on by the Talaings

against the Burmans and by the several Native dynasties against each other to gain exclusive supremacy.

In the first half of the 17th century the Ava dynasty again gained ground and extended its dominion far to the south. Thalwon-ming-tara-gyi, the third of the second dynasty of Ava kings, sought to establish order in his kingdom. As usual the Buddhist clergy came to the foreground with their wise council and learning. The renowned priest Tipitakālankāra was elected to the post of royal guru. He is the author of the *Visativannana*, an exposition of the first 20 gāthas of the *Atthasalini*, Buddhaghosa's commentary to the *Dhammasangini*; he also wrote the *Yasavaddhanavatthu*, the *Vinayālankaratikā*, and the *Amēdopōn*, containing answers to questions addressed to him by the king on subjects religious and secular. A number of new translations of Pāli texts had also appeared; the priests endeavoured to disseminate, by means of vernacular versions, a knowledge of the sacred book also among the laymen.

The Burmans have always lived in the conviction that the Manu Dhammathats, which they inherited from the Talaings, were Buddhistic in their origin. In proportion as the scriptures of the religion which they had adopted became better known to them, they sought in them the explanation for every rule contained in the Codes of Manu. Already Alaungsithu, the predecessor of Narapatisithu, insisted upon all matters of legal dispute being decided in the spirit of Buddhist ethics; after his demise, the more important decisions given at his Court were collected in a work called "Alaungsithupyattōn"; it formed a code of precedents for future decisions. In the year 1197 A.D. another similar compilation appeared under the title "Nan-do-mya-min-pyattōn." The Talaing king Dhammadeti prepared another Pyattōn, which bears his name and is still extant. The Taungu monarch followed his example by having his own decisions recorded, and at the beginning of the 17th century the celebrated Arakanese nobleman Mahāpaññakyaw compiled the Mahāpaññakyawpyattōn, which for all time to come based the interpretation of the Manudhammasatthas upon a thoroughly Buddhistic base; this code of precedents is still the most valuable work of the kind extant in Burma, and the true Burmese Judge aspires to this day to be as wise in his decisions as Mahosadha and Mahāpaññakyaw.

The Tipitaka and commentaries, especially the Jātakas, contain numerous instances of disputes settled by Gotama, his disciples, by Rahans, and wise Buddhist rulers and noblemen. The translator of the Wagaru and later compilers of Burmese law books invoke in them the wisdom of Bodhisat, which he displayed on so

many occasions during his term of life as Mahosadha. Not only can a satisfactory explanation for every ruling in the Talaing-Burmese Dhammasatthas (whatever their origin may be) be found in the Buddhist holy scriptures and commentaries, but it authorized the framing of a great many new rules, which we find in later Buddhist Codes. An example will illustrate the nature and tendency of the Burmese Pyattōns. The Wagaru contains the ruling (section 20) : "The son and daughter to be married should, in the presence of witnesses, appoint the year or month or day on which they shall be given in marriage. If the intended husband does not appear on the year, month, or day appointed, the parents of the girl are free to give her to another man. Why is this ? Because the terms agreed upon have been broken." In Dammaceti's Pyattōn a youth did not appear on the day appointed for marriage, on the plea that the astrologer consulted by him had pronounced that the day previously fixed upon was a very unpropitious one for such an act. The king pronounced the girl free of the engagement entered upon, and in support of the ruling (the prevalency of which is due more to the common sense of human societies than to the sacredness or geographical prevalency of the dicta of Manu) of the Manudhammadhat and the justness of his own decision, he quotes the Nakkhattajātaka of the Suttapitakam, where a precisely similar occurrence is recorded, resulting in the loss of the pride on account of the advice given to the bridegroom by an astrologer not to marry on the day appointed, the conjunction of the stars being unpropitious for such an undertaking.

In this manner a collateral law literature sprang up which secured to the Indian Manu Codes a Buddhistic interpretation. A number of priests set to work to glean from the scripture whatever supported by illustration the sacredness and inviolability of their own clerical institution, or the interpretation of a secular law in the spirit of Buddhist ethics ; they also collected the decisions which tradition had preserved of former kings who reigned over Srīkshatra and other Indian settlements in Burma. The following is a list of the principal Pyattōns written in Burma up to the compilation of the Mahārājadhammadhat :—

- (1) Vidurapyattōn, extracted from the Vidurajātaka of the Suttapitaka.
- (2) Jalākadevipyattōn, also extracted from the Jātakas.
- (3) Mahosadhappyattōn, extracted from the Mahosadhajātaka, one of the 10 great Jātakas (Suttapitaka).
- (4) Jalimipyattōn.
- (5) Ādasamukhapyattōn.
- (6) Sudhammadacāripyattōn, from the Suttapitaka.

- (7) Vinayapyattōns, extracted from the Vinayapitaka to secure the legal position of the Buddhist clergy.
- (8) Upalipyattōn, the decisions of the Rahan Upali, contained chiefly in the Vinayapitaka.
- (9) King Dvattabaung's pyattōn, containing the decisions which tradition preserved of the founder of ancient Prome.
- (10) Elāyakyémingpyattōn.
- (11) Kātavanna minggyi pyattōn.
- (12) Alaungsithupyatthōn (beginning of the 12th century A.D.).
- (13) Nan-do-mya-ming pyattōn (A.D. 1197).
- (14) Dhammadeti pyattōn (end of 15th century A.D.)
- (15) Hansāvatī Zinpyumyashinpyattōn (beginning of 16th century).
- (16) Mahāpaññakyawpyattōn (A.D. 1625). *Kaing-zā Manupyyattōn* 75
- (17) Kaing-zā Manupyyattōn (A.D. 1630).

The last work has for its author the nobleman Kaing-zā, who is no other than the compiler of the Mahārājadhammasattham, the code which will now occupy our attention.

Kaing-zā wrote this law book at the request of his learned contemporary the priest Tipitakālankāra before mentioned.

It has been stated already that the Tipitaka and commentaries contain no mention of Manu, the lawgiver. This fact could not fail to obtrude itself upon the notice of Kaing-zā after the contents of the holy scriptures had become known to them. Naturally the question arose—who is Manu? and as the literary resources of Kaing-zā's time afforded no clue to this mythical personage, he resolved to discard him altogether. But tradition maintained tenaciously the connection of Manu with the secular law literature. A code of law compiled by Kaing-zā would fail to possess that halo of sacredness which surrounded the Dhammasatthas ascribed to Manu; he felt the necessity of allowing the legal dicta to emanate from the mouth of Manu. Kaing-zā saw his way out of the difficulty; he caused the king to bestow the honorary title of Manu upon him, and Kaing-zā, now Manuraja, proceeds to compile his Dhammathat. He once mentions incidentally Mahāsammata, Manu, and the Ko-zaung-kyōp; but he was evidently acquainted with the codes of the first period, for he often adds to a ruling "this ordinance is not contained in the Tipitaka or the Burmese law books, but is found in the Dhammathats of the Muns (Talaings)." In the introduction he states that he was requested by the priest Tipitakālankāra to write this compilation. He eliminates the Pāli entirely, a few quotations excepted, and the

Mahārājadhammathat is therefore the first law book written in Burmese only. There is not much method in the arrangement of the subject matter; the king asks a series of questions and he, Manurāja, answers them in the order they are put. For the authority of Manu so strictly adhered to in the former Dhammathats he generally substitutes his own.

In analyzing the contents of the Mahārājadhammathat I shall adduce the corresponding passages of the Wagaru and the modern Vannana; the relative position of the three Dhammathats and with it that of the oldest, the transitional and modern bodies of law and customs will thereby be brought prominently to view.

Manurāja discards the 18 titles of law; he divides the book into 24 chapters. We will consider them seriatim:—

(1) The Lord of the country, the Commander-in-Chief, the hereditary Governor of a city or province, and a man of high learning and respectability, should constitute the four Judges.

The Vannana enumerates six classes of Judges.

(2) There should be nine teachers of law (against four of the Vannana), all men of good character. (The four teachers of law in the Vannana are the same as the four Judges of the Manurāja; with the difference that a Brahman is substituted for the Commander-in-Chief.)

(3) The eight different modes of inquiry into cases (not specified).

(4) How to obtain evidence in a case when a man has been seen going away in company of another who is afterwards found dead and robbed of his property. (Somewhat similar to Vannana, 624.)

(5) If an animal, while on the grazing-ground, be killed by a man without any one witnessing it, those persons who are sent out to find the dead animal may eat the flesh if they find the body. (Vannana, §§ 554, 555.)

(5a) How to obtain evidence against a friend or relative who is suspected, but has not actually been caught in the act, of sexual connection with one's wife. (Not stated how.)

(6) In cases relating to borrowing money, people of high caste or great respectability should not be compelled to take oath or undergo the ordeal by water or rice. (Wagaru, § 186.)

(7) On witnesses. (Not further explained.)

(8) The second chapter begins by stating that a debt must, in case of denial, be proved in writing; if this has been done, the debtor must pay so much as he has been sued for. (The Wagaru in § 6 allows to the creditor double the amount; also the Vannana, §§ 182, 200.)

(9) In illustrating the manner in which a case should be inquired into, especially with regard to witnesses, he recounts the story of the five (only four in the Manu Kyay) Brahmans who had by begging obtained 100 pieces of silver money. As they wished to possess 400, they left the youngest Brahman to watch the 100 and the four elder having gone off begging, four bee-hunters, who were going to the jungle, were consulted with by the younger Brahman to divide the 100 pieces of money equally amongst them, and when the elder Brahmans return and demand it, I (the young Brahman) will say, "a dog ran away with it, and do you bee-hunters say you saw it." The Brahmans soon returned with another 400 pieces of silver, and the young Brahman claimed his share of it which his confreres refused to give. They went to the headman of the district, to the royal ministers, and the chief queen to have the case decided. Still dissatisfied with the decision they brought the case before a boy renowned for his wisdom. He examined the four witnesses, the bee-hunters, separately and by their contradictory evidence attained to a correct understanding of the case and decided accordingly. (This story, extracted from the Mahosadhadhātaka, is repeated in nearly all the later Dhammathats to show in what manner witnesses should be examined.)

(10) In the 3rd chapter Manurāja figuratively illustrates the meaning of the root, trunk, and branches of law; he does not, however, enter into details but merely mentions at the end of the chapter that he had found this division of law in Talaing Dhammathats. Vanna Dhammadhyauding (A.D. 1783) explains, in the *Manu-sāra-shwe-min*, which is a commentary on the *Mahārājadhāmmathat*, that the 18 original titles of law, as given in the law books of the first period, constitute the "root" of the tree of law; the *Vannana* treats of this subject in section XXXII.

(11) The 4th chapter treats of witnesses and of pleaders, and refers again to the Talaing Dhammathats; he admits that the Burmese law books and the works written in the Magadheśe idiom give no information on that point. (*Vannana*, §§ 364—369, gives fuller details on this point.)

The first four chapters of the *Mahārājadhāmmathat* are introductory preludes, not containing any definite ruling. With the 5th chapter begins the real code; it is divided into 10 sections as follows:—

(1) If a debtor dies, his friends, or Thway-thauk-thus (see pages 16—18 of Essay) who bury him, must pay one-third of his debt; if the heirs of the debtor bury him, they must pay the whole of his debt; relations pay the principal only; the heirs may also be

compelled to pay the interest. (*Wagaru*, § 12; but it is here the relations who have to pay double the amount of the principal, while heirs only adjust the original. *The Vannana*, § 259, rules that friends burying a deceased debtor should pay one-fourth of the debt; relations, one-third; and heirs the whole.)

(2) If the interest amounts to the original, no further interest should be demanded; nor ought interest to be charged upon interest. Those who inherit the parental property must also pay the debts of the parents; if relatives live together, they must assist in paying the principal (of a debt contracted jointly or by any individual member). (*Wagaru*, §§ 15, 17; *Vannana*, §§ 199, 200.)

(3) Parents must pay the original of the debt contracted by their deceased children, even though not knowing of it and living separately from them, provided death occurred shortly after the contraction of the debt, and the demand for payment be made in the form authorized by law.

(4) Children who inherit their parents' estate must also pay the parents' debt whether they knew of it or not, and whether they lived jointly with them or separately. (*Wagaru*, § 15; *Vannana*, §§ 243 and 260, 261; the latter treats very fully on the subject.)

(5) If the parents have died, and the elder brother with his wife and children live with the youngest son still unmarried in the parental house, the younger son shall not be held liable for any debt contracted without his knowledge by the elder brother.

(6) This section treats of the liability or non-liability of debts contracted by husband or wife, jointly or separately, with or without his or her knowledge, and is in the main identical with *Wagaru*, §§ 7, 8, 9, and *Vannana*, § 206; the Mahārajadhammathat makes also the *thuay-thauk-thu* (see page 16) responsible for debts contracted by another member of the same zo.

(7) According to previous agreement, borrowed silver coins must be repaid in silver (coins), copper coins in copper coins; or, if this is not possible owing to the scarcity of one or the other specie, so much must be given in silver or copper as will cover the debt. (*Vannana*, §§ 203, 204.)

Sections 8 and 9 fix the rates of increment or interest on gold, silver, copper, grain, &c., and § 9 declares that documentary evidence must be produced to render a claim for payment valid. Corresponds in part with *Wagaru*, § 4.

The 6th chapter treats of inheritance in nine sections, namely,—

(1) Of the parents' estate, indirect heirs (being blood relatives) can claim one-fourth. Grandchildren, whether living with their grandparents or not, have a right to the inheritance of their

grand-parents' estate, provided they have always looked after their interest and taken kind care of them.

(2) The grandfather and grandmother, who take good care of the property and concerns of the grandchildren, should be liberally maintained. If a second husband or a second wife (of the grandfather) enters the household, and provided the inherited property has not already been divided, the grandchildren shall receive three shares out of five and the grandparents the rest.

The aurasa son or aurasa daughter is entitled to take one-fourth of the father's or mother's personal property, though there be a second husband or second wife (of the deceased father or mother respectively) in the family; the children of the stepfather or stepmother inherit their parents' joint property. If the children of the first marriage wish not to live together with the second husband or second wife (of their still living father or mother), they may claim half of the father's and half of the mother's property. If the father and mother have both died, the mother-in-law or the father-in-law may claim one-fourth of the property, the step-children receiving the rest.

(3) Grandchildren are the direct heirs to the property of the deceased grandparents; but if step-grandparents live, they are entitled to one share out of five of the grandparents' estate. Of the increase of property, effected while the grandfather or grandmother lived with a second husband or second wife, the grandchildren are entitled to only one share, the step-grandparents to four out of five. If the property belonging jointly to the grandparents and step-grandparents be divided, the step-grandchildren receive one share out of nine, the children of the second marriage three shares, and the step-grandparents take the remaining five shares.

Parents have married again and died; the children of the first marriage receive three shares out of the original joint property of their parents; the step-children only one share; the property acquired by the stepfather or stepmother and the real parents jointly goes in three shares to the children of the second marriage, while the issue of the first receives only one share. (The Wagaru, § 78, allows equal shares.)

(4) Property given by grandparents or parents to their sons and daughters when marrying cannot be demanded back; if the donor die, such property cannot be included in the assets of the deceased nor form part of the heritage; this holds good only when such property has passed over into the hands of the donees during the lifetime of the donor. (Wagaru, § 67.) If property have been given by parents to married children, and the parents die, leaving unmarried sons and daughters wholly unpro-

vided for, there being no assets, the married children should divide what they have received from the parents at their nuptials with the brothers and sisters who have received nothing; the money value of the property given may also be made over to them.

(5) What has been inherited as an indivisible or inalienable property should be maintained as such and bestowed upon the next generation of heirs under the same conditions.

(6) If sons or daughters die intestate or without heirs in the descending line, the parents or greatparents of the deceased are entitled to inherit their estate; if there are no heirs in the ascending or descending line (three degrees allowed in the former, four in the latter case), the property will pass over to distant relatives, or, if even these are wanting, to the king of the country.

In the Wagaru and Ko-zaung-kyôp the law of inheritance is in many points identical with that of Hindu law books. It is clear that of all titles of law the law governing the succession of property would be mostly affected by the religious and moral tenets held in different communities. Among the Hindus it is the oldest male member who succeeds to the management of a joint family estate, and the heritage must be administrated in a manner most productive of spiritual advantage to the deceased ancestors. The absence of the system of joint families among the Burmans, and of the belief of spiritual benefits accruing to the departed by offerings on part of the living, will naturally lead to a modification or abolishing of a set of laws inculcating the contrary. The author of the Mahârajadhammathat found no authority for the division of the inherited estate into 10 parts or 20 parts, for the great prerogatives of the eldest male offspring, for the right of inheritance of the four kinds of caste women and their respective offsprings, and for the classification of sons into six who are entitled to inherit and six who are not entitled. Manurâja, therefore, discarded these legal notions which he found in the Dhammathats of the first period and framed the law of inheritance more in accordance with that prevailing among the people for whom it was intended. This step led, as we shall see further on, to an intricate system of partition of, and succession to, property.

The 7th-chapter contains the law of marriage and divorce in nine sections:

(1) A man and a woman who have both been married before, and have children of their former marriage, enter into the state of matrimony; after their death, the children of the father's first marriage inherit the father's separate property; the children of the wife's first marriage are entitled to the separate property of their mother. The joint property of the parents and its increase during

their second marriage goes by one-fifth to the children by their first marriage and by four-fifths to the issue of the second. (*Vannana*, §§ 25, 66; *Wagaru*, § 78.)

(2) The daughters of the first marriage of a woman inherit the original and separate property of the mother; the sons of the first marriage of the father receive the original property of their father; the joint property and its increase during the first marriage is divided in six shares, and the step-children of either side receive each one share; the rest is retained by the married couple; after the death of the latter, the remaining property is equally divided between the real children and step-children of the father and those of the mother (*Wagaru*, § 78).

(3) If a man loves a female slave and erects a household with her and takes her for wife, she holds the place of a mayagyi (first wife) in the house. Should he afterwards wish to separate from her he must, if they have taken their meals together, leave to her the increase of property acquired from the time they had their meals jointly until they separated; the debt incurred during that period must be paid by the man; if they had their meals not in common, the man must give her the animate and inanimate property (which they jointly possessed during their cohabitation) and the price of her body in money. The separate property of the man remains with him and the debts contracted before marrying the slave must be liquidated by him. (*Vannana*, §§ 661—728; *Wagaru*, § 143.)

(4) If no fault can be imputed to the husband, yet the wife wishes to separate from him, the animate and inanimate property remains with the husband; the debts with the woman. (Manuraja adds that a husband should, especially if the ground of separation is the incapacity of the woman to bring forth children, exercise leniency and not say "I shall retain all the property.") If the husband wishes to separate, there being no fault with the wife, let him take over his separate and original property and debts connected with it, and let the joint property and debts and the increased property, animate and inanimate, be divided in two equal portions, one for each party. (*Wagaru*, §§ 33, 42, 43; *Vannana*, § 170.)

The lord of a female slave marries her and raises her to the dignity of a mayagyi; or a free woman marries a slave; in these two cases the rights to the property of the lord and lady, if a separation is effected, are the same as that of man and wife wishing to separate under § 4.

(6) Debt incurred by the-husband for extra conjugal purposes must be paid by him out of his separate or original property; the

same holds good with debts contracted by the wife under like circumstances ; if debts have been made in the interest of both parties, let them pay it out of their joint property. If husband and wife do not agree, and they separate by mutual consent, each party takes over his original property and debt.

The 8th chapter continues the subject of divorce and adultery in 14 sections :

(1) If a wife is bodily ill-treated and abused by the husband and suffers greatly in consequence, she can compel the husband to leave the house with but one suit of clothes on and with the obligation to pay their joint debt ; the nature of the ill-treatment must in such a case have been severe and attested by competent witnesses. (Wagaru, § 33 ; Vannana, § 176.)

(2) If there lies no fault with the woman and the man wishes to separate, he must bear the debts and leave the house with one suit of clothes ; husband and wife are then considered divorced. Similarly, if the wife wishes to separate, the husband not being in fault and not diseased. A lesser wife can be separated by paying her the price of her body. (Wagaru, § 38).

(3) If a woman seduces the husband of another wife to sexual intercourse, she shall pay a compensation of 80 ticals of copper, such amount being the price of her ears and hair-knot (this passage occurs almost verbatim in Wagaru, § 56) ; she shall not receive the price of a slave's body. (Vannana, §§ 691, 673).

(4) If the wife of a freeman has made the husband of a slave woman her own husband, she must pay the female slave the price of her own body and separate her from her husband.

(5) If a man has sexual intercourse with a woman who is mentally deranged, deaf, mute, or blind of both eyes, and if she begets a child, he must provide for it and support the mother ; if the latter die, he must decently bury her ; if he cannot personally attend to the woman and child, he should provide for a nurse who can do so. (Wagaru, § 58.)

(6) If a man has intercourse with an old woman against the will of her children or relations, he shall incur criminal punishment ; or if he is not willing to be confined in stocks, he must pay 75 ticals of copper (Wagaru, § 58, claims a compensation of 15 ticals of silver ; Vannana, § 697).

(7) If a man has sexual intercourse with a woman, he ought to make her his wife or make her a suitable restitution. If she has merely been his mistress, he must give her the price of her body ; if he had raised her to the position of a mayagyи (chief wife), he must pay her the price of his body.

(8) If a man has already a first wife, and has sexual intercourse with another woman, he must, if his chief wife consents, take her to second wife ; if the first wife does not consent, he may divorce her, but must make her over all the animate and inanimate property and outstanding debts.

(9) If a man has intercourse with a virgin, he ought to make her his wife ; if after sexual intercourse the man will not take her for wife, he must pay her the price of his body ; if he be a slave, half the price of his body must be given.

Sections 10, 11, 12, 13, and 14 treat of public women ; the fines to be paid when one or more men have once or repeatedly intercourse with the wife of another ; the right of a husband to kill a man caught in the act of adultery with his wife ; and when he has no right to do so : these passages coincide in the main with Wagaru, §§ 50, 51, 54, and 62.

The 9th chapter treats on slaves in five sections :

(1) If a man sells his slave or son to another man, and if sons or slaves thus sold die before the price stipulated has been paid, the purchaser need to give but half of the amount.

(2) If a slave for whom his parents stand security falls sick, the parents ought to procure him medicine for his recovery ; if they fail to do so, and the slave dies, the parents are not entitled to claim the price of the slave.

The other sections coincide with Wagaru, §§ 121, 122, 137.

The 10th chapter treats in 18 sections of the sale of slaves, relatives, or sons in times of scarcity ; of relations fed during famine, and their redemption by paying their rice-value (Wagaru, § 116) ; of compensation paid in cases of hurt or killing by beating or striking with a stick or sword ; of offences committed by inferiors to superiors (Wagaru, chapter XV) ; of witnesses and the value of their testimony ; the number of witnesses required (Wagaru, §§ 183, 184, 185) ; on the division of property between the chief wife and lesser wife on the death of their husband : the former takes her separate property which she possessed before marriage and so does the lesser wife ; of the joint property the first wife (and her children) take two portions ; the lesser wife and her children one portion. Stocks and ropes for confining a prisoner can only be used in cases of criminal punishment. If a man kills another by means of medicines, charms, or mantras, he must pay ten times the price of the deceased's body. In case of assault, the man who has excited another man to do the assault must pay 15 ticals, the assaulter 80 ticals ; this is illustrated by the case of the squirrel, the kin-dait bird, and the frog, a story which occurs also in the Manu Kyay, page 12. How to decide a case after evidence

has been taken ; the fees paid to pleaders according to the nature of the case for which they have been engaged.

The 11th chapter deals with the pledge of property and the mortgaging of animate and inanimate property, of daughters and slaves ; it comprises six sections ; the code recognizes the three kinds of pledges of property, namely, paunthe, paunshin, and paunthwin, mentioned in the Wagaru (§ 90); hereditary slaves are not free on the death of their master or mistress ; they pass over to the children as part of the inheritance (Wagaru § 143, Vannana 445). A slave who administered to the pleasures of her lord cannot claim her liberty ; but if any children are born from such connection, such children shall be free (Wagaru § 141, Vannana 772). A master is not responsible for a criminal act committed by his slave (Wagaru, § 131). Most of the rulings of this chapter agree with those of the Wagaru.

The 12th chapter speaks in the first section of oaths and ordeals.

The testimony of members of the royal family, of Rahans, Brahmans, and men of high respectability should be accepted without undergoing ordeal (Wagaru, § 186). Buddhist priests should be examined according to the rules laid down in the Vinaya ; the Kammavācā should be placed before them when their testimony is requested. Brahmans ought also to be examined and their testimony taken according to the rules prescribed by their own customs. Brahmans must swear by Srīganesa and the holy fire ; let them pronounce the truth by the fear of the four dangers and of being in the next existence born as a candala (grave-digger, considered the lowest of all castes).

This is an important passage, as it is the first instance in Burmese lawbooks of the introduction of a separate set of rules taken from the Buddhist code of monastic discipline for the guidance of the conduct of Buddhist priests before secular authorities, and of a distinct recognition of the Brahmans as a body who had a right to be treated according to their own laws and customs. We meet here with a *modern Hindu element* in Burmese dhammathats, which in the future increases in proportion as the Brahmans gained power at the court of Burmese monarchs. The codes of the Alompraic period (close of 18th century) contain two distinct sets of Hindu law ; *first*, that ancient portion of Indian law which we find in the lawbooks of the first period, the Dhammapilāsa, Wagaru, and Ko-zaung-kyōp, and which was retained more or less in all the later dhammathats ; and, *secondly*, a modern Hindu element, brought from India to Burma in recent times by Brahmans generally in the service of the king of Burma.

An interesting ancient custom is mentioned in the Mahārājā-dhammathat in connection with the giving of evidence on part of a member of the royal family : water is poured upon the royal sword, spear, bow and arrow, or gun, and collected in a cup ; the water is then sprinkled over the forehead and crown and the following asseveration pronounced : " If I give false evidence, may all " the vows and offerings I have hitherto made to my ancestors, " parents, and to my lord the king, produce a baneful effect on my " body. May I for ever be barred from directing my efforts towards " the interest of my family. May I, after my death, not reach the " abode of the gods, but be compelled to migrate from one of the " apaya to another ; and may I never be allowed to render homage to " a Buddha though thousands and thousands may appear during " my endless transmigrations."

The dhammathat continues with the evidence given by witnesses and how contradictory or false evidence can be detected. If several men cohabit with one woman, she can claim any one of them for husband ; if the man selected declines to marry her, he must pay a fine of 30 ticals of copper. If two, three, or more men have had sexual intercourse with a woman at different periods, and if she conceive, that man who has cohabited with her at a time considered favourable for conception shall be her husband, or pay compensation according to the law. If a woman cohabits with the slave of a free man, and children be born of such connection, the mother must pay (to the lord of the slave ?) two-thirds of the price of the children's body, and the slave one-third (the children, presumably, remaining with the parents).

Chapter 13.—Children cannot be enslaved on account of the debts of their parents. The conditions under which hereditary and pledged slaves can effect their emancipation or redemption agree with Wagaru, §§ 116, 117.

The 14th chapter contains seven sections. If parents punish their children bodily or reprove them, the children have no right to carry a complaint before the authorities. But if the parents are known habitually to ill-treat, to wound, and bruise them, they may be made to suffer criminal punishment. The same applies to a son-in-law reproving or ill-treating a daughter (his wife), or a slave-owner his slave : if the latter dies in consequence of the ill-treatment, his master should be made to pay a fine equal to the price of the slave's body. Priests have a right to reprove their pupils and punish them bodily ; but a priest shall be considered degraded if he severely bruise or wound a pupil : if the latter die owing to the ill-treatment, the degraded priest shall pay a fine of ten times the price of the pupil's body. The seven degrees of

relationship ; their respective duties towards each other is illustrated by a Jātaka.

The 15th chapter treats, in the first section, of inheritance ; children of equivocal sex, or children who are blind, deaf, mentally deranged, or mute, are not entitled to inherit, but should be maintained (Wagaru, § 82). A person attending to a sick man and burying him is entitled to the deceased's property. The right of the Governor of a city or district to raise taxes on cultivated hereditary land ; an important clause is added to this ruling : "culturable lands which are in absolute possession, or held at the pleasure of a lord, or which is held as a tenure by a labourer, if any dispute arises as to how such lands may be disposed of, whether they may be given away to the descendants of the husband or those of the wife, such a dispute shall be beyond the pale of law, provided that the lands in question have been held by any one family under the aforesaid conditions for three generations, be it on the side of the father or of the mother." If garden land or a field has been in uninterrupted possession of a party for upwards of ten years, no legal claims against the possession of such lands can be raised, even though another party may be the original owner of them.

The 16th chapter treats in three sections of the responsibility of the pledgee for pledged or deposited property lost or stolen (Wagaru, § 88 ; Vannana, §§ 280—285).

The 17th chapter deals with runaway slaves and agrees in the main with §§ 121—136 of the Wagaru and Vannana, §§ 734—745.

The 18th chapter contains ten sections, chiefly dealing with the intermarriage of slaves, of slaves with free men or women, and of the right of slave-owners to the children of a female slave by the slave of another household. One section deals with the right of a husband (and relatives) to interdict his wife, who has borne him children by taking a lesser husband, as this would contaminate the blood of the family.

The 19th chapter treats again of slaves and their claims to inheritance to their master's or mistress's property in case of intercourse of a slave-master with his female slave or the slave of another house ; or if a free woman appoints her own or another's slave her husband. The price of the slave's body is generally the compensation for sexual intercourse. If a slave has redeemed himself, or been set free by his master, and if he subsequently acquires property, the slave's relatives (though they be slaves) are entitled to inherit it ; in the absence of relations, the master who has freed the slave may claim the heritage (Vannana, §§ 659,

660, 661, 662, 664; Wagaru, §§ 137, 139, 140, 141, 142). A slave who wishes to become a priest may be liberated on paying the price of his body, and if his master consents ; but monastic and pagoda slaves should be allowed to enter priesthood with the permission of the Superior of the monastery, but without paying a price for their redemption. Hereditary slaves are not free on a change of dynasties (Wagaru, §§ 117—128).

The 20th chapter deals in five sections with the punishment to be inflicted on persons committing offences against members of the Royal family, Commander-in-Chief, or other notable persons in authority. In the Wagaru pecuniary compensation must be given in cases of such offences. In the dhammathat before us an offering of valuables must be presented, and the offender loses in addition a finger or two of one of his hands. In severe cases the house of the culprit is destroyed, and the culprit and his family are banished, or put in stocks or prison.

The 21st chapter contains the law on theft in nine sections. This crime is punished by enforcing restitution in kind, amounting, according to the article stolen, to two, three, five, or ten times its value or number. This chapter agrees in the main with Wagaru, §§ 173—182 and Vannana §§ 536—548.

The 22nd chapter treats of pagoda and monastic lands ; the donor should record on a stone inscription, or other lasting material, the nature and purpose of the gift, the right connected with it, when, by whom, and to whom given (Wagaru, § 170 ; Vannana, § 471).

The 23rd chapter deals with the right to offerings made by pious laymen to monasteries and its inmates, to chapters of priests collectively, or to individual priests ; the succession of monastic property, partition of a priest's utensils among his pupils and the other inmates of the cloister ; the right of disposal of monastic or priestly property to other monasteries and their inmates. Grants or offerings made by a layman to a cloister, or a priest, do not relapse to the original donor in case the inmates, or the priest die, but should be held over to future incumbents of the monastery, or of the place occupied by the deceased priest, because the donor has given the offerings, in the first instance, not out of charitable intentions but to acquire individual merit ; whether the gifts given be lost, squandered, destroyed, stolen, or not even accepted by the priests, cannot in the least affect the merit which the Buddhist derives from offerings made : in taking back what has been given with a view to acquiring religious merit will result in the loss of this religious merit and will bring the evil reward following in the footsteps of *lobha* or greediness.

The rulings in this chapter lean entirely upon the Vinaya, the Buddhist code of monastic discipline.

The 24th chapter contains a short analysis, in the form of questions and answers, of the contents of the preceding 23 chapters, and concludes by defining the five *gatis*, or states of existence into which a being may be reborn ; the *subhāsitāni*, or good words or councils, and the *abhayas*.

There is a striking difference between the law-books of the first period and those of the second, of which the Code we have just analyzed is the chief representative. In the Wagaru and Kozaung-kyôp there is no pronounced Buddhistic or any other religious colouring, and the legal dicta are supposed to rest ultimately upon the authority of Manu. In the Mahārājadhammasattham the inherited and formerly adopted Manuic element recedes somewhat, native laws and customs are more recognized, a new set of rules for the regulation of the conduct of the priesthood is added from the Vinayapitakam, the Buddhist code of monastic discipline ; a modern Hindu element is introduced recognizing the right of Brahmans to be treated according to their own manners and customs, and, finally, a well-pronounced tendency appears to bring the whole mass of law under the influence of Buddhist ethics. The dhammadhatas of the third period, beginning with Alompra, add no new ingredients to the legal composition of Manurāja's code : they only more fully develop certain branches of the law or give a greater predominance to the one at the expense of the other.

In the Manu-sāra-shwe-min we read that this law-book (the *Manusāra*) was revised by Kaing-zā during the reign of Thalwunmintaragyî. But Kaing-zā is our Manurāja, and the supposed recension of the Manu-sāra-shwe-min is no other work than the Mahārājadhammathat : this latter work forms the basis of the more important law-books of the third period.

The century that elapsed between the reign of Thalwunmintaragyî and the rise of Alompra shows an extraordinary dearth of literary productions of any kind ; but few works of importance have been composed during that period. The head priest of the Nayinyuapupphayôn monastery wrote the *Gulhatthadīpani* in illustration of difficult or obscure passages in the Vinaya. The same author arranged the *Visuddhimaggaganthi*, an epitome of Buddhaghosa's *Visuddhimagga*, and prepared a translation of the grammatical work known as the *Nettipakaranam*. The priest Ukkamsamālā wrote the *Vannabodhana*, a small grammatical treatise on the nature of sounds and letters.

Alompra and his successors again rallied prominent priests and laymen around them ; they encouraged every branch of learn-

ing ; Ava and Amarapura became the centres of religious life and learning of the Southern Buddhist Church ; classical studies revived ; the vernaculars were also cultivated, and Burmese became the medium of philosophic and popular lore. Not till the close of the last century had the Burmese language risen to the dignity of an independent literary idiom.

The development of law in Burma has not been a steady devolution. Every great Burmese or Talaing monarch endeavoured to preserve existing laws (but not hereditary institutions) and to enact and enforce new ones suitable to the customs and usages of the people for whom they were intended. But subsequent weak rulers, or a change of dynasties, reduced the body of law promulgated by predecessors or members of subverted dynasties to a dead letter ; it was set aside and then forgotten. After a century or more of misgovernment a king would rise, powerful through conquests and allies, who sought to establish order and respect for authority in his dominions. He would, however, first make a complete *tabula rasa* of all existing institutions, and hereditary rights and privileges bestowed upon individuals or families by former kings. Continual changes of dynasties and the social revolutions attending them destroyed, as often as were created, territorial nobility, clan rights, or any other hereditary institution, in which favours or grants bestowed by one king were in the process of hardening, through their renewed recognition by a succession of kings, into hereditary rights and privileges of favoured classes of men. Feudal ownership in France abolished by the Code Napoleon, the Signorial Court, the relation subsisting between the cultivating peasantry and the French nobility, the royal tenure now taken away by Act of Parliament, and the still existing copyhold tenure, introduced originally by William the Conqueror, had similar counterparts in Burma, with that all important difference, however, that in the latter country such institutions disappeared with the king or dynasty which originated it. The Vannana rules (186) : "the change of an "era or a king causes the non-cognizance of the possession of the "following kinds of property : gambling stakes, pleaders' fees, the "wages and privileges of attendants on kings and men of authority ; "the property of thieves, and revenues."

Section 191.—" If a person has returned the proportionate half of "a debt bearing interest, of a mortgaged property, presents, &c., he "is not liable to return the other half, provided that a change in the "government has taken place."

When Zinpyumyashin promulgated (A.D. 1783) the "Doomsday Book," he ordained that, for the future, suits concerning inheritance, concerning the priesthood, suits to recover debts, to claim

the possession of slaves, shall in no way be affected by a change of king or dynasty. Disputes about the possession of gardens, fields, lands, streams, debts, slaves, or about appendages, also remain unaltered under the abovenamed circumstances. Such rules have at different periods been promulgated by native monarchs, but were as persistently ignored by their successors or new dynasties.

A Burmese or Talaing ruler, after having abolished all existing hereditary institutions, would proceed to compile a new code of law and bestow his benefits upon individuals of his own choosing. In minor matters he would allow the different nationalities and religious bodies of his dominion to be governed by their own laws and customs. The committee appointed by him to frame a code of laws represented the interest of all communities and religions over which he governed; it would consist of a layman well acquainted with the customary law of the Burmans and Talaings; a commander-in-chief, bringing matters military within the pale of law; a chapter of Buddhist priests to secure the inviolability of their monastic institutions; a body of learned Brahmins to claim recognition of their caste privileges; lawyers and pleaders to arrange about technicalities of the law; all alike eager to bring forward and establish their respective claims and to prove them by written records or long usage.

Alompra began his reign in the year A.D. 1750. About that time a priest of Zinpyugyun, Salinmyo, called Zôntazayadaw, prepared the *Manu Ring dhammathat*; it purported to set forth the ancient laws of Manu as contained in the dhammathats of the first period. The Wagaru (as *Manusâra*) and the Ko-zaung-kyôp come again prominently to view. In this and some later works appears an inclination to ignore the Burmese *Manudhammasattham* of *Manurâja*. Zôntazayadaw arranged the Pâli prose of the original texts into gâthas, each consisting of two lines, and each line of twice eight (occasionally nine) syllables. This metre was retained by nearly all the later law-books. It cannot be supported by any evidence that these gâthas are imitations of similar Sanskrit slokas, in which many Hindu law-books are written; that both sets of law-books should have chosen this metre independently of each other can be readily explained by its being the easiest and most convenient in both the Sanskrit and Pâli. The Pâli text (corrupted) of the Wagaru, defining the six sons who can inherit, is as follows:

Orasaputtâ hetthimâ khettajâ puppakkaputtâ, kittimâ apatiithâ,
ime chaputtâ mâtâpitadâyajjam.

The corresponding metrical text is given thus in the *Manu Ring*:

Orassaputtâ ca khetthajâ, hetthimâ ceva puppakâ
kittima c'apatitthâ ca, iti cha puttâ dâyajabandhavâ.

In the Vannana (§ 84) :

Puttānam pana bhedato, oraso ceva khattajo,
Heittajo pubbakittimo, apatittho ti chabbidhā.

In the Manu-sāra-shwe-min (76) :

Orassa ceva khattajā, hetthimā ceva pubbakā,
Kittimā apatitthakā, chaputtādāyabandhanā.

In the Vinicchayapakasini (§ 40) :

Oraso ce pakattajo (?), hetthimo ceva pubbako,
Kittimo apatitthako, ime dāyarahamatā.

The various texts quoted are, with little deviations, the same as in the Wagaru ; the metre required a different arrangement of the words, and one is a little more correct in the orthography than the other. The same textual coincidence subsists between all other rulings of the Wagaru and the corresponding ones in the law-books of the third period. The Manu Ring is not so complete as the Ko-zaung-kyōp, and not even as the Wagaru ; the book, however, contains a few additional rulings, namely : The non-liability of grandchildren for their grandparents' debts. The eight faults for which a husband may abuse his wife. The seven kinds of property which cannot be recovered after a revolution (property pledged or deposited, property won by gambling, disputed property, or such acquired by plunder, property for which another is security, stolen property, and the gain accruing from property, i.e., profits on merchandise, &c.). The three modes of bribing Judges. The four primary points in a suit. The six kinds of debt. Suits which abate and suits which do not abate on a revolution. Refusal by a father to fulfil his promise of giving his daughter to a man who has conducted a lawsuit for him (if the man is unable to bring it to a successful issue). Responsibility of a party and his pleader for assault committed by the latter when conducting a case. A person who assists in a quarrel between Brahmans and Buddhist priests, by striking the one or the other party, shall be liable to become a slave or be sold as such by the party which was beaten. How to adjust quarrels between shop-keeping women. Of rates of wages.

The Manu Ring returns in the main to the compensation system of the Wagaru ; even the amounts to be paid in cases of assault, theft, murder, adultery, are the same in both law-books.

With the Manu Ring begins also that odd history of Manu, in which the Rishi Manu of the Wagaru is treated as an incarnation of Brahma in the world of men, and judgments are given by him which were in reality delivered by Manurāja, the author of the Mahārājadhammathat before mentioned. The Jurists of Ava and Amarapura blended the known events of the life of Manurāja with

the few mythical legends preserved in Burma regarding the Indian Manu, the self-existent. The history of Manu was further, but in a most incongruous manner, amplified by the authors of the Manu-sāra-shwe-min and the Vannana, but entirely discarded by the compilers of the Mohavicchedani and the Atthasankhepavannana, the most recent of Burmese law-books. In the Wagaru Manu is a Rishi and a nobleman, who saw the law-book written in large letters on the boundary wall of the world, and recited it to king Mahāsammata. In the Mahārajadhammadhat Manu and Mahāsammata disappear (they are only once mentioned, but not in the above connection). In the Manu Ring they re-appear on the stage. The Manu Ring says: Ado kappasamutthānam pajāyo ambākam bodhiyo (bodhisatto) Samata-(sammata) rājā hutva janam dhammena rakkhati. Tadā Brahmadevo nāma Brahmā Brahmabhāvā cuto Samatarājavamsamhi mattakūle pajāyate, assa yuvakāle sam-patte Manunāma mattasampadam bhojitvā tassa ovade bahuno sup-patitha Mahāsamatanagare dosam achandako hoti ; yādā vinicchayam pavattati tadā Mahāsamarājā amaccam yācati tadā so pi sā-dhūti vatvāna sattāham vinicchayi. "When the universe rose in the "beginning, mankind elected our Bodhisat as their king Mahāsammata ; he governed the people with righteousness (literally, by "means of the law). Then Brahma, called Brahmadeva, left the "Brahma-heaven and was born in a nobleman's family of the race "of the Sammata kings ; when he had grown into a youth he was "created a nobleman and received the name Manu ; many were "firmly established in the good advice given by him, and crime was "not allowed to abide in the dominions of Mahāsammata. When-ever there was a case to be decided, king Mahāsammata asked the "young nobleman to do so ; he acquiesced and gave judgment for "seven consecutive days."

The *dhamma* in the Wagaru implies the well-known eighteen titles of law. In a translation into Burmese of the Manu Ring by the priest Tejosāra of Ratanasimha (the first capital of Alompra) the *dhamma* (janam dhammena rakkhati) is defined as the dasadhammā (တော်သိမ်း၏), namely,—the four *maggas* (the four paths leading to Nirvāna), the four *phalas* (the fruition of the four paths), Nirvāna, and the holy scriptures. This view is accepted by the author of the Manu Kyay, the Vannana, Manu-sāra-shwe-min, and nearly all law-books of the third period. The Vannana and Manu Kyay speak of eleven Mahāsammatas who have reigned in different antara kappas; the first Mahāsammata was an incarnation of Buddha, and therefore the ten dharmas pronounced by the former are also the laws of Gotama preached after he had attained Buddhahood. The Vannana says that Manu and Mahāsammata are identical

personalities. The Mohavicchedani calls the dasadhamma technically the "ten laws of Mahāsammata." There are a number of passages in the Tipitaka and commentaries which justify the Buddhist character of Mahāsammata, the Kshatriya king, and of Brahmaadeva. The Agaññasutta of the Dighanikāya (Suttapitakam), Buddhaghosa's Visuddhimagga, and the Sāratthadipanītika, a scholium to Buddhaghosa's Samantāpāsadikā, written by the Sinhalese priest Kassapa (13th century), were the sources utilized in the description of the universe, its destruction by fire and water, and its reconstruction ; of the nature and doings of the first men and of their first ruler. It would lead us too far to give the texts *in extenso*. I reproduce those only which deal with Mahāsammata : *Agaññasutta* : "Te pan'assam sālinam bhavam anupadamsu ; mahājanasammahoti, kho va settha-Mahāsammato tveva pathamam akharam upanippattam."

Buddhaghosa refers in the *Visuddhimagga*, fol. *te*, in the chapter treating of the *cattāri asankheyyāni*, to the Agaññasutta (Agaññasutte vuttanayena vitthāretabbam) : Ayam eva Bhagavā Bodhisattabhūto tena samayena tesu sattesu abhisamīnacāro ca dassaniyatāro ca mahesakkhatāro ca buddhisampanno paṭibalo niggahapaggaham kātum tesam upasamkamitvā yācitvā sammannisu ; sotena mahājanena sammato ti mahāsammato.

The Sāratthadipanī repeats the statement of the *Visuddhimagga* without giving additional information. The passages quoted justify the assumption of Mahāsammata having been the first king elected by the people, and that as such he was an embryo Buddha, who preached the ten laws to the people ; and when the author of the Manu Kyay says that he divided the ten original laws into eighteen titles of law, it can only mean that he substituted the eighteen branches of the law, as set forth in the old dhammathats for the "dasadhamma," which cannot, however, form the basis of secular law. It is also not the *Milindapanhā*, from which, as is stated in the Manu Kyay, the theory of the Kappas, of the first men, and Mahāsammata is taken, but the works mentioned above, namely, the Agaññasutta and the *Visuddhimagga*. The authority of Manu is nowhere confirmed in the Tipitaka or commentaries. We find in all law-books written in the latter half of the 18th century the seven judgments of Manu, his error in the seventh decision in the cucumber case, his retirement, and his presenting king Mahāsammata with a copy of the dhammathat which he found written on the boundary walls of the world. These seven decisions occur first in the Kaing-zāpyattōn, that is, in the book of precedents compiled by Kaing-zā, the later Manurāja, the author of the Mahārajdhammasattham. I have no doubt that the seven judgments were

given by the Burmese *Manurāja*, and that the lawyers of a later period confounded him with the *Manu* of the old codes, in the same manner as the Burmans now merge the *Buddhaghosa* of the 15th century and his great namesake of the 4th century into one personage.

As the law-books of the Alompraic period contain a great many references to contemporaneous literary works, both sacred and secular, it is necessary to pass them under review.

Zōntazayadaw's *Manu Ring* in Pāli verse was a few years later (*circa A.D. 1755*) translated into Burmese prose by the priest Tejosāra of Ratanasimha. In the year 1756 Alompra requested Mahāsiri-uttamajaya, the minister of military works, to compile a code comprising the customary law and usages in force in his dominions; he wrote the well known *Manu Kyay*, which has been translated into English by Dr. Richardson; this law-book is written in plain Burmese with very little Pāli intermixed. It is not really a code or a digest of law, but rather an encyclopedic record of existing laws and customs, and of the rulings preserved in former dhammathats. The *Manu Kyay* does not attempt to arrange the subject-matter, or to explain or reconcile contradictory passages; religious elements are freely introduced: unjust judges shall suffer punishment in hell with head downwards; a man to whom deposits are made must be a strict performer of his religious duties; a person guilty of perjury will be visited by preternatural punishments. While the *Wagaru* imposes only fines, or demands compensation from a person, considered merely as a member of a community, the *Manu Kyay* punishes or rewards a person as an individual *morally* responsible for his actions. The *Wagaru* asks 100 ticals of gold for killing a priest; the *Manu Kyay* makes similar demands, but in addition informs the culprit how long infernal regions will hold him, and the body of maggots, dogs, and vultures be the abode of his degraded self.

The *Manu Kyay* is divided into 14 chapters. The first chapter begins with *Manu*, the cowherd; the twelve decisions he gave as such, and the seven decisions given after he had been made a nobleman and a judge by king Mahāsammata. Then follows the creation of the universe, of the first men, the election of Mahāsammata, an embryo Buddha, as the first king of men; he was also called *Khattiya* (*Kshatriya*), because he had dominion over the land, and *Rājā*, because he governed men according to law. On page 8 the following passage occurs: "The lineal descendant of the sun, who habitually performs works of the purest benevolence, who is the possessor of power, glory, and authority, King Mahāsammata, who is to men as their eyes, and by his qualities en-

" lightens all as a second sun, the rules he lays down none dare infringe. Amongst all rulers the first is called Manu. In this world of men the wonderful Paralaung (embryo Buddha) was the first." One is almost inclined to believe that the author of the *Manu Kyay* possessed some knowledge of the *Manu* of the Hindu mythology, the *Vaivasvata*, or son of the sun, the progenitor of the present race of living beings, the founder and first king of Ayodhyā, the father of Ilā, who married Buddha, son of the moon, the two great solar and lunar races being thus nearly related to each other, and that he attempted to reconcile the conflicting accounts given in the Hindu and the Buddhist mythologies regarding the first ruler of men.

On page 10 *Manu*, the cowherd, divides the people into hundreds, thousands, tens of thousands, hundreds of thousands, millions, and he placed over the respective groups a myo-kwôp, a thugyi, an amat, a kalan, a thanpyin, a pyizo, a myetain, a zakyi or zâma. This is a division effected by Thalwonmintaragyî through *Manurâja* (A.D. 1640); the modern *Manu* and his ancient namesake are hopelessly jumbled together.

Thalun

On pages 14 and 15 are enumerated the eight divisions regarding time, the twelve regarding place (taken from the *Vinayapitaka*), the four regarding price and the four regarding things. Bison, elk, large red deer, small red deer, spotted deer, and all four-footed animals, pea-fowls, cyruses, common fowls, ducks, and all winged animals, constitute *animate* property. *Inanimate* property are the nine kinds of gems, the twelve kinds of gold, the four kinds of silver, base metals, grain, timber, bamboos, grass, &c. On page 16, human beings are called the children, grandchildren, and the great-grandchildren of Brahma, again reminding us of the Hindu *Manu Svâyambhuva*, the self-existent, who being identified with Brahma, converted himself at once into the first man called *Manu Svâyambhuva* (and the first woman called *Satarûpâ*).

The twelve decisions are illustrated by stories taken from the Buddhist *Jâtakas*. At the end of the chapter *Manu* becomes a recluse, practises the *Jhânas*, and copies the *dhammathat*, engraved in huge letters on the boundary wall of the world.

In the second chapter *Manu* is called "the sage recluse, the son of Brahma." It treats in 26 sections of deposits, of selling and buying, of theft, of treasure-troves and how they should be divided, of suits which may or may not be prosecuted after a revolution or change of dynasty, of the six kinds of gifts, of wages and servants, of dues of ferries, tolls, and taxes; of fees to doctors and pleaders, of herdsmen, of breach of promise, of injuries caused by animals, of hiring buffaloes or cattle, carts and boats. This chapter deals with

all titles of law (except debts, marriages, divorce, and inheritance) which in the Wagaru and Ko-zaung-kyôp are distributed over 14 chapters. The Manu Kyay enters only into fuller details : where the Wagaru, for instance, speaks only of boats, the Manu Kyay enumerates the different kinds of vessels and boats known to the Burmans. It may be said of this chapter that, as far as it goes, it reproduces the rulings of the older dhammathats, and that where the Manu Kyay in other sections deals with the same topics, it introduces new laws which have come into force in later times. The sections on ferries, dues, taxes, and fees are in part new and not contained in the Dhammathats of the first and second period ; the second chapter also fixes the money-value of animate and inanimate property. The stories of the Brahman, the Rahan and his pupils and of Rahula, illustrating the way in which property should be deposited, are taken from the Buddhist Jâtakas. On page 45 the Manu Kyay speaks of the rules contained in the Vinaya pitaka with regard to gifts made to Buddhist priests. On page 53 the distinction is drawn between *dhammathat* and *râjathat* : the former is the law pronounced by Buddhas, wise rulers, and men, in short, established law ; the latter are laws promulgated and acts done by the king as an arbitrary and capricious ruler. It is not according to the dhammathat to put a man to death, or have his feet or hands cut off. These punishments are called "râjathat." Judges, if they do not decide justly, will be liable to the four states of "future punishment." It is proper to "turn a culprit out of his situation, to take off his head-dress, to turn him off from the intercourse with his family, to cause him to remain under a necessary in an elephant-shed or horse stable ; he may be called to clean out the filth. These are criminal punishments that may be inflicted. They are called criminal punishments and are laid down in the dhammathat." On page 62 the passage occurs : "The king's property shall not touch the common people, and if the common people do not touch the king's property, the four laws of Sangahavatthu will be fulfilled." The four Buddhist Sangahavatthus are : *dâ'am*, *piyavacanam*, *attacariyâ*, *samânattatâ*, largess or liberality, affability, beneficent rules and impartiality.

The third chapter commences (as the author himself states) with 18 original titles of law, and begins, like the Wagaru, with the contracting and payment of debts, with the rates of interest to be given on loans of silver, gold, copper, paddy, and other articles ; it continues with the four unchangeable matters (lands and slaves given to pagodas, convents, temples ; boundary-marks between villages or cities ; hereditary slaves) ; then it enumerates the five original laws, namely : a man forfeits his claims to the ownership of

land if the same has been cultivated with his knowledge for 10 years by another party (Wagaru, §§ 169 and 170); money lent and not demanded for 10 years, though living in the same village or district with the debtor, is forfeited (Wagaru, § 18); a slave bought of a known class, living for 10 years in the same village or district with his master without being employed, shall be free; taxes, dues of the thugyi, governor, land-measurer, or headman, which may have been discontinued cannot be collected; the laws governing inheritance: after 10 years of absence or silence on part of an heir, no claims to his share of inheritance can be entertained after the period mentioned. The 75 sections of the third chapter are as many illustrations of the law contained in §§ 2—18 (on debts) and §§ 169—172 of the Wagaru; many new details appear, which are repeated in later dhammathats; the law, for instance, regarding the six ways in which debtors deceive their creditors, or creditors their debtors; the law when a Buddhist priest lends silver to a woman knowing her to be a wife; the nine classes of men (members of the Royal family, Brahmans, Rahans, the king's minister, parents, grandparents, great-grandparents, and teachers) who shall not, on a charge of debt, be confined or put in the stocks; the liability of a lord to pay the debts contracted by his head wife, the lesser wife, and the six kinds of concubines; the 12 kinds of securities, namely, security of grandchildren for debts of grandparent, of grandparents for debts of grandchildren, of children for debts of their parents, and parents for debts of their children; relations security for each other; security of the master for the debts of his slave, of scholars for debts of their teacher; security for only a part of the debt; division of the money borrowed between the borrower and security; liability of a witness for the payment of debts. Children or grandchildren of the creditor, his slave or servant, or persons sued by the Governor may go in the morning to the foot of the steps of the creditor's house and demand payment, &c., &c. Several native customs relating to the demanding of debts occur in this chapter, some of which have already been mentioned in pages 19 and 20. A peculiarly Burmese custom is recorded on page 76: "If a person shall borrow "money under a promise, when the interest is due, to make a holy "image of Buddha, erect a pagoda, a puto, to make a chest for books, "or to present a kūmmavācā (read at the inauguration of a priest) or "the Tipitakas, or to build a zayat, a well, a tank, or a convent, and "if this engagement be not fulfilled, it cannot be enforced: let him "pay cent. per cent. on the amount originally borrowed; and that "all men may know that he is a person who acts deceitfully in mat- "ters relating to a future state of existence, let him be heavily

"fined." On page 86 a precedent is quoted from the Buddhist *Birth Stories* that children shall, in certain cases, pay the debts contracted by their parents unknown to them. The treatment of prisoners for debts in jails or stocks is regulated in detail in pages 88 and the following. In § 43 occurs an interesting passage, which shows the relation of castes in Burma and how high a position the Brahmins held in the capitals of Burmese kings: "As regards kings and Brahmins, kings are the more excellent and Brahmins are more excellent than minister or chief; of the wealthy and mercantile, the wealthy is the more excellent and tradesmen inferior; of the mercantile and the poor classes the mercantile is more excellent; of the poor and the candalas class the poor are the more excellent. Without reference to class or family, any one who becomes a Rahan, who is heir to the holy religion, is said to be of the Sakyawamsa (Gotama's family)." At the Brahmanic feast of Mahāpin-ne, i.e., Sriganesa, no payment of a debt can be demanded (page 104). If the debt is demanded when the debtor is listening to the instruction of the priest, let the person making the demand be punished with one hundred stripes; if he arrests him, let him be punished with one thousand stripes. In § 70 the reason is given why a thway-thaukt-thu (see pages 16—18) can be made to pay the debts of another: "In a former world a debtor died, his family was not known, nor was it known who performed his funeral rites. Near where the body was thrown in the burying ground there was a water chatty, in which from the rain some water had collected. A traveller being thirsty happened to drink of the water. The creditor sued the traveller; he placed the case before the king of Benares and the following decision was given: It is a chatty placed for the purpose of washing the bones; the traveller has drunk what he ought not to have drunk; he has therefore become one of the family of the deceased . . . and become liable to the obligations of a thway-thaukt-thu." I quote this passage to show how the Burmans sought to justify even their pre-buddhistic native customs by precedents taken from the Buddhist literature. On page 106 the author quotes the Vinaya in support of the ruling, that the head priest and the priest who officiated at the ordination of a debtor or slave, shall pay the latter's debts, though not knowing the person ordained being a debtor or slave. Peculiarly buddhistic is also the following ruling (page 108): "If a debtor has not abilities to warrant the king assisting him according to the four *sangahavarathus* (advances made by the king to indigent subjects), or if he has no strength, he may call the creditors together, in the presence of priests and respectable men, and having caused the debtor to put on white garments

" make an invocation, and say that he gives release from misfortune " in this life to his wife and children, and request his creditors to " grant him a release ; and having poured over him clear water from " a Brahman's shell, make rejoicing with music ; this is called " 'sweeping clean the level.' If the debtor's luck shall change, and " he shall after this become a wealthy man, the creditors shall " have no claim against him, and even if he offer them their dues, " it is improper in them to take it ; the matter has become one in " connection with a future state." And on page 109 : " If a debtor " wishes to prevent a debt against him being carried (in its effect) " on to the next state of existence, he may satisfy the claims of his " creditors."

The fourth chapter treats of theft and assault in 24 sections ; it gives the rulings of the Wagaru, chapters 15 and 18. He also records the different (25) kinds of theft specified in the Vinayapitaka. Page 115 gives the difference between *dhammathat* and *pāpathat* ; the former is *dhammakamma*, or deeds according to law, righteous acts ; the latter is *pāpakamma*, or sinful acts or deeds ; on a former occasion *rajathat* was defined as the arbitrary or capricious acts of a ruler. This threefold distinction between the "thats" are maintained in most of the latter law-books. "Parents," says the Manu Kyay, " who steal thoughtlessly the property of their children, " should not, if the things stolen be of little value, be treated as " thieves. If they be, ministers, governors, and judges will be " liable to the pains of hell, and the person put to death shall for " five hundred times (in after periods of existence) kill the person " who caused his death. Such punishments are not called 'dham- " mathat,' but, being bad actions, *pāpathat* ; they ought to bear " in mind the decisions of the embryo Buddha Mahosadha." Section 23 deals with the amount of fines to be paid by the different classes of people. In speaking of the punishment to be inflicted on a disobedient *candala*, he adduces an incident from the " Birth Stories" in which Bodhisat, born as a *candala*, is ill-treated by his master.

The fifth chapter deals with murder, with the law regarding restitution for cattle killed, with the seven kinds of wives, the law of marriage and divorce.

The author begins by inveighing against the practice of putting a murderer to death. " In the kingdoms of those kings who " do not put to death such a degraded and bad man (but punish " him otherwise) the rains are equal, and grain planted in such " rains, in one day all at once grow flourishingly ; they will be " praised by the gods and all good men, and supported and adhered " to by them, and all evil nats who have no respect for this law.

"shall keep at a distance from them ; the inhabitants will be "prosperous and happy." The Manu Kyay adduces from the sacred scriptures many proofs for the unlawfulness of killing any living being, and the whole chapter is a fervent Buddhist's protest against all customs and practices not in accordance with the tenets of his religion ; the story of the golden Hamsa is given, and that of Mahosadha as general of the Mutilla forces. A wife should not make religious offerings without the knowledge of her husband ; no religious merit will accrue to her for so doing. "If "neither husband nor wife habitually perform their religious "duties, and are equally negligent in making religious offerings, "they have come from the condition in a previous life of a male "and female brute, and they shall at death go to hell."

On page 149 the following passage occurs : "By *dhammathat* is meant, when decisions are given according to precedents recorded by kings, embryo Buddhas, from the beginning of time through the whole succession of worlds, in accordance with the following eight laws (the well known eight maggas of the Buddhists) : *sammāditthi, sammāsankappo, sammāvāca, sammākammanto, sammā-ājivo, sammāvāyamo, sammāsati, sammāsamādhi*, or right views, right thoughts, right speech, right occupation, right living, right exertion, right thought, right abstraction of the mind." Page 151 : "O king ! men who should be made judges are those who are "acquainted with the Pitaka and Bedin (Vedangas) with former customs and traditions." The 11th chapter contains the law of inheritance amongst priests as set forth in the *dhammathat* and the *Vinaya* ; the law of partition of property between pupils and priests, between Brahmans and their disciples. On page 323 the rule about taking the oath from Brahmans is given in the same words as in the *Mahārājadhammathat* (*vide* page 86). In a case of adultery on part of a Brahman, the Manu Kyay rules : "If "one Brahman seduces the wife of another by deceitful representations, or uses abusive language, let the offended party spread mud "and ashes in the doorway of his house and the offender make an "offering of an ox of Majjhima (desā), or its equivalent in silver ; "let him make the offering on his knees three times, and let the "Brahman (the lord of the seduced wife), accept the offering in "the most proper manner . . . and it is proper for the offender "to make a vow, according to the Brahman form, not to repeat "the offence (page 153). If any man of a low class seduces a Brahman woman, whose husband is dead or separated from her, "she may take possession of all the property he is possessed of. "If he cannot make compensation as Brahmans do, let him become "a slave. If a man of a low class shall offend with a Brahman

" (*sic!*) woman of the Vaisya class, let him be punished with one hundred stripes ; if with a woman of the Kshatriya class, the punishment is one thousand stripes ; or he may have his body enveloped in straw and set fire to (page 172). If (in a case of adultery) the parties be both Brahmins, it is not proper to cause the offender to make compensation, nor to put him to death, but having shaved his head he may be banished the country, or turned out of his caste, taking his property with him. Brahmins ought not to be killed ; if they be, the greater pains of hell are the consequences (page 173). A Brahman slave shall not be considered a slave nor shall he be caused to work (page 213), nor shall Brahmins make slaves of each other." Section 37 of the 10th Chapter deals with the partition of property between the wives (of different castes) of a deceased Brahman husband ; pages 322—324 contain the law by which the king is entitled to inherit the property of a Brahman ; the law by which Brahmins inherit from each other : " On the death of a Brahman who is the father of a family, his eldest son shall have his brahmanical string, his head-dress, his clothes, his riding horse, elephant, shell, salver, goblet, all his cups, all his ornaments, and one male slave ; if the deceased was of the sacred class who live by alms, three-fourths shall be given to his mother and one-fourth to the eldest son ; if the eldest son be one who protects his family, he will give all to his mother and support her ; it shall not be divided. Besides this, all property, animate and inanimate, shall be divided into two equal shares ; let the Brahman mother have one, and the children the other. This is the law as it relates to the nine classes of Brahmins."

Space will not allow to give a full analysis of the Manu Kyay. The extracts given will suffice to show the nature and tendency of this dhammadhat. While the Manu Ring ignores the Mahārāja dhammadhat and revives the rulings of the old law-books, the Manu Kyay more fully develops the five component parts (*vide* page 90) of Manurāja's code : the rules and regulations of the Wagaru and Ko-zaung-kyōp are given in the Manu Kyay in a Burmese dress ; the position of the Buddhist clergy towards secular authorities and laymen receives full attention ; numerous sections are devoted to Brahmins and their institutions ; in the law of inheritance, marriage, and divorce Native customs and usages are duly recorded, and the whole mass of law is being interpreted in the spirit of Buddhist ethics.

The many sources from which the Manu Kyay was compiled give it a variegated appearance ; it contains contradictory passages. But this law-book was not intended to define what the law should be, but to carefully record what laws, usages, customs, and habits

actually existed in the wide dominions of Alompra. It mentions, for instance, the 12 kinds of sons of the Wagaru, but also the 16 and the four of the Pitaka ; it enumerates the six gifts of the old dhammathats, but subdivides them into 15 classes ; then he adduces the seven gifts, which can be interchanged between husband and wife, parents and children ; then the eight religious gifts recognized by the Vinayapitaka. In the chapter on slaves the 14 slaves of the Wagaru are named, but also the three kinds taken in war, the four classes mentioned in the Vinaya, the seven hereditary slaves, and the six kinds of pagoda slaves.

Later Burmese law-books have not added much to the Manu Kyay. The contents of the Manu-sāra-shwe-min and the Vannana show to what extent they are indebted to the compilation of the minister of military works. The Manu Kyay is to this day the most widely read and studied law-book in Burma, and after the British has taken possession of this province the natives pointed to this dhammathat as containing the body of laws by which they had been governed. Its popularity is, however, more due to its being written in the plain "unadorned" Burmese, whereas the Vannana, Manu-sāra-shwe-min, and others are written in Pāli and a more intricate vernacular.

The successor of Alompra, the Mye-tu-min, sent an embassy to Benares (*circa* A.D. 1765) to induce a number of learned Brahmans to come to Burma and reside, as royal gurus, at the capital of the king. Nine Brahmans followed the invitation ; they became the immediate advisers of the king in preference to Native ministers and Buddhist priests. In conjunction with these Brahmans, the learned Maungdaung-zayadaw, who was well versed in Sanskrit, translated a series of Sanskrit texts into Burmese ; this series is headed by the *Sārasvati Vyākaraṇa*, the well known Sanskrit grammar, and followed by the *Sārakaumudi*, an astrological work ; the *Aushadhāvalī*, a medical treatise, the *Rasa-ratnākara*, *Dhātupushti*, also medical works ; the *Kāmaratna*, erotic lore ; *Dravyaguna*, on the nature of elementary substances ; *Saradve* on constellation, &c. ; *Brihaj-jātaka*, *Laghusangraha*, *Samudrika-lakshana*, *Bhāṣutipakarana*, *Sūryasiddhānta*, and similar works, in all sixty. The translations of these Sanskrit texts are known to the Burmans "as the books beginning with the *Vyākaraṇa*," and are now collectively often called *Bya-karains*, which is a corruption of *Vyākaraṇa*. Frequent allusions to Bya-karains occur in the Vannana and other law-books of the third period. Mr. Jardine and Dr. Jolly have pointed out many coincidences between passages of the modern dhammathats and recent Hindu law-books ; but they must be ascribed to the modern Brahminic influence at the court of Burmese kings, and should be dis-

tinguished from the older elements of Indian origin contained in the Native law-books of the first period. The translated Sanskrit texts also gave rise to a school of Native physicians, astronomers, and astrologers, but they have made no progress in these sciences, and the practice of the latter is still in the hands of the Brahmans (Punnas), whose influence upon the customs and usages of the Burmese laymen has already been pointed out in pages 20—22 of this Essay.

In the year A.D. 1771 the nobleman Manu Wannana Kyawdin wrote the *Manu-sāra-shwe-nyin*; the author states in the introduction that the book has been four times revised: *first*, in the time of king Byu-man-di, who lived about two centuries after Christ. We have shown on pages 4 and 5 that there is no historical evidence to support this statement; *secondly*, the version composed by Talaing priests in the Talaing idiom; *thirdly*, Buddhaghosa's version. This recension is Cullabuddhaghosa's (see Essay, pages 65 and 66) translation into Burmese of Wagaru's dhammathat; the second recension must therefore mean king Wagaru's original Talaing Manudhammasattham; *fourthly*, the version of Manurāja, the minister of Thalwonmintaragyī. But this recension is nothing else than the Mahārāja dhammathat of which we have given an analysis (Essay, pages 77—90). The Manu-sāra-shwe-min is only the Wagaru and Mahārāja dhammathat more fully developed with additional material from the Manu Kyay. With the assistance of the priests Taung-dwin-gyaw, Candapañña, and Tejosāra (the author of the Manu Ring), he revised the Pāli of older dhammathats and converted its prose into gāthas. Manurāja's and Mahāsiri-uttamajayya's (author of the Manu Kyay) Burmese dicta his learned assistants also rendered into metrical Pāli; that this is really the case is evident from Vannana Kyawdin's own statement (page 8): သာ။ ငါသည်ထားစဉ်အပေါ်ပျော်သာ။ ဒွေသတ်၏၌ မြတ်ပါ၍ သိနိုင်သည်။ “This is the new patho (Pāli text) and translation of the Manu-sāra-dhammathat composed by me.”

The Manu Vannana was written by the same author a few years later. It differs from the preceding work inasmuch as it professes to be based upon all former dhammathats, and not only upon the four named in the Manusāra. Its arrangement into Pāli gāthas and Burmese Nissaya are the same as in the Manusāra. These two law-books are highly esteemed by the Burmans, but are less popular for the obvious reason that they are written in the language of classical learning and a more difficult Burmese. For further particulars about the Vannana see Essay, pages 6-8, 46, 47, 48, 87, and following.

The *Vinicchayapakāsanī* differs from the *Manusāra* and the *Vannana* in that it endeavours to base the law exclusively upon

the Buddhist scriptures ; Manu Vannana Kyawdin is also its author. He has discovered the error he made in former compilations in identifying the Burmese Manu with the Hindu Manu, or at least with the Manu who was Mahāsammata's minister. About the latter he says not more than the Agaññasutta and the Visuddhimagga justify ; he then clearly states that Manu was the minister of Thalwonmintaragyī and that the seven decisions were pronounced by him. He returns to the simpler rulings of the law-books of the first period, and cuts out many of the contradictory, equivocal, and superfluous passages contained in the Manu Kyay, Manusāra, and the Vannana ; it returns to the twelve sons of the Wagaru, the six kinds of gifts, the five improprieties in a wife, her six faults for which she may be put away, and the 14 kinds of slaves, &c., &c. The text is given in Pali gāthas and a Burmese translation ; the author distinctly states (section 8) that he expounds the law as it has been preached by the Buddhas. He also ejects the sections treating on Brahmans and Buddhist monks, and consigns them to the decisions of their own religious or clerical tribunals.

In the *Mohavicchedanī* and the *Atthasankheppavannana* the same course is pursued : Manu disappears, but the rulings of the law-books of the first period have been retained ; only they are pervaded by the spirit of ethics, prevailing in a modern Buddhist community, which accepts and follows the teachings of former Buddhas and Gotama as recorded in the holy scriptures of the southern Buddhist church.

The chief points which in this Essay have been brought forward in illustration of the "sources and development of Burmese "law from the era of the first introduction of Indian law to the "time of the British occupation of Pegu" are the following :—

- (1) Indian law was probably introduced prior to the 10th century A.D. from Southern India into Indian colonies on the western coast of the Indo-Chinese peninsula ; this law was adopted by the Talaings.
- (2) The law which prevailed in the united Burmese and Talaing dominions from the 11th to the 16th century is contained in the Dhammavilāsa, the Wagaru, and the Ko-zaung-kyōp. These law-books the Burmans translated from Pali-Talaing prose texts, or based them upon codes which were generally recognized in Rāmaññadesā. This constitutes the first period of the known history of Indian law in Burma ; no decided religious element prevails in it ; its dicta rest upon the auth-

rity of Manu, the Rishi. The languages employed were Pali and Burmese (both in prose).

- (3) The second period, comprising the 16th and 17th centuries and the first half of the 18th, produced the Mahārāja dhammathat compiled by Manurāja. The Rishi Manu and the rulings of the law-books of the first period recede : native customs and the authority of the Burmese Manu (Manurāja, *i.e.*, Kaing-zā) take their place. Buddhist and Neo-Brahmanic elements are introduced. This law-book is written in Burmese only.
- (4) The third period commences with Alompra (1750 A.D.). The Manu Ring revives the law of the dhammathats of the first period ; the old Pali prose texts were reproduced in verses (Anushtubh metre). Manurāja and his code received little attention in the Manu Ring. The Manu Kyay incorporates the contents of the law-books of the first and second period and records laws and customs existing among the people of his time ; he deals with the religious laws and usages of the Brahmans and the monastic rules of the Buddhist clergy ; it allows the Buddhist element to predominate, and draws largely from the Buddhist scriptures. The Rishi Manu of the Wagaru and the Burmese Manu (Kaing-za) merge into one personage. The Manu Kyay is written in plain Burmese with little Pali intermixed. The Manu-sāra and Manu Van-nana commit the same error with regard to Manu ; in these two codes the whole mass of law is reduced to Pali verse (Anushtubh metre) accompanied by a Burmese translation. The latest Burmese dhammathats reject Manu, his authority not being supported by the holy scriptures. The rulings of the Wagaru and Ko-zaung-kyōp are retained, but it is now Buddha who pronounced them at the beginning of all things. The development of Indian law in Burma during eight centuries ends in an ancient *Manudhammasattham* of unknown origin to the Burmans, and of no decided religious colouring, being bodily accepted (with many new additions of course), and gradually transformed into an emanation of Buddha ; the *raison d'être* of the rulings it contains are sought for in the Buddhist holy scriptures.

I append a list of the more important dhammathats and pyattôns compiled from the year 1750 to the present day :—

- (1) Manu Ring, Pâli text (A.D. 1753).
- (2) Manu Ring, Pâli text and Burmese translation (A.D. 1755).
- (3) Manu Kyay (A.D. 1756).
- (4) Pânâvangyi dhammathat (A.D. 1755-60).
- (5) Atulapyattôn (A.D. 1755-60).
- (6) Dârâjjavitaranî (A.D. 1755-60).
- (7) Pyankyi dhammathat (A.D. 1763).
- (8) Lézauntwê dhammathat (A.D. 1763-66).
- (9) Kwônkyâ pyattôn (A.D. 1763-66).
- (10) Manu-sâra-shwe-min (A.D. 1771).
- (11) Manu Vannana (A.D. 1772).
- (12) Vinicchayapakâsâni (A.D. 1775).
- (13) Mohavicchedanî (A.D. 1782, first recension).
- (14) Bâlabodhanadammathat (A.D. 1783).
- (15) Dhammavilâsa dhammathat. A Burmese version of the Pâli Dhammavilâsa (A.D. 1783).
- (16) Zontazayadawpyattôn (A.D. 1783-1790).
- (17) Talwinpyupyattôn (A.D. 1783-1790).
- (18) Dhammadvinicchaya (A.D. 1783-1790).
- (19) Pakinnaka Vinicchaya (A.D. 1783-1790).
- (20) Vinicchayapakâsanilanka, a poetical version of No. 12 (A.D. 1783-1790).
- (21) Thekugaykyinzayadaw dhammathat.
- (22) Sankhepavinicchaya (A.D. 1819).
- (23) Yezagyoñyo pyattôn (A.D. 1819).
- (24) Pyankylankadhammathat, a poetical version of No. 7.
- (25) Pathamavivâdavincchayapyattôn (A.D. 1832).
- (26) Mohavicchedanî (A.D. 1832, second recension).
- (27) Nâvanayakakinnakavinicchaya (1837).
- (28) U Hmaingpyattôn (1839).
- (29) Nywonpaunggyi dhammathat (1842).
- (30) Atthasankhepalankâ dhammathat (1842).
- (31) Manu Kyay with English translation, printed by the British Government.
- (32) Dutiya-vivâda Vinicchaya.
- (33) Atthasankhepadhammathat, same as No. 29; was printed at the Burma Herald Press, Rangoon, 1870; edition exhausted.
- (34) Mahârajadhammathat, compiled by Manurâja, A.D. 1650. Printed at the Burma Herald Press in 1870; edition exhausted.

- (35) *Manu Vannana*, the same as No. 11; printed by order of the British Government at Rangoon, 1878.
- (36) *Manusārashwemin*, the same as No. 10. Printed by Government at Rangoon, 1879.
- (37) *Vinicchayapakāsanī*; the same as No. 12; printed by Government at Rangoon, 1880.
- (38) *Manu Ring*; the same as No. 2; printed by Government at Rangoon, 1881.
- (39) The *Atthasankhepavannana* was printed in the year 1882 in the royal printing office at Mandalay.

In the procuring of palm-leaf copies of law-books and of a few translations I have received valuable help from my assistants Taw Sain Ko and Zaya Way.





